

Count 2  
2(b). Def Thao knew  
unreasonable force was being  
used



Def Thao knew unreasonable force was being used: GE 9 at 20:19:14



Milestone



Thao

Thao knew unreasonable force was being used: GE 27 at 20:19:14.





	TT	What are you- what are you on?
20:21:53 (5:15)	GF	I can't breathe! Please, the knee on my neck. I can't breathe shit. Uh ah.

Thao knew unreasonable force was being used: GE 9 & GE 9A at 20:21:53.



	DW	That's some bum ass shit bro.
	GF	Ah ha ah.
	TT	Okay. [OV]
	DW	That's some bum ass shit. Ya'll know that is. [OV]
	TT	Okay.
20:23:33 (6:55)	DW	You don't gotta sit there with your knee on his neck bro.
	GF	Uh uh.
	TT	He's talking he's fine.
	DW	Bro he ain't fine man.
	GF	Uh. Please. Sir.
	TT	Okay alri- we're done.
	DW	You [UI] in a jujitsu move bro?
	TT	We're done.
	DW	You tr'-you trappin his breathing right there bro. [OV]
20:23:43	TT	We're done. Okay. Okay. [OV]



Thao knew unreasonable force was being used: GE 9 & 9A at 20:23:30 (Stopping Breathing).



	DF	His nose is bleeding.
20:24:44 (08:06)	AF	He's about to pass out.
	TT	That's what happens layin' on the ground.

Thao knew unreasonable force was being used: GE 9 & 9A at 20:24:42 (Lost Consciousness).





Milestone



Thao

Thao knew unreasonable force was being used: GE 27 at 20:25:05.



2020-05-25 20:25:21 -0500

AXON BODY 3 X6039A5BE



Thao knew unreasonable force was being used: GE 9 at 20:25:21.

2020-05-25 20:25:32 -0500  
AXON BODY 3 X6039A5BE



	GH	I'm a-I'm a firefighter from Minneapolis.
20:25:30 (8:52)	DW	Bro look well you should check on him [OV]
	DW	He's not responsive right now.
	AF	Look! [PV]
	GH	Does he have a pulse? [OV]
	TT	Back off! [OV]
	DW	He's not responsive right now.
	GH	Does he have a pulse?
	TT	Get off- get off the street before you get run over.

Thao knew unreasonable force was being used: GE 9 & 9A at 20:25:30 (Lost Consciousness) (Clip from 20:25:25 – 20:25:40)



20:25:42 (9:04)	DW	He's not responsive right now bro.
	GH	I'm watching. Does he have a pulse?
	DW	No bro look at him he's not responsive right now. [OV]
	GH	Check- check him for a pulse. Please. [OV]
20:25:48 (9:10)	TT	Okay. We have an ambulance coming. [OV]
	GH	Check for a pulse. [OV]
	DW	Bro, bro are you serious? You gonna just let him sit there with that on his neck.
	AF	[UI]
	GH	Check for a pulse. [OV]
20:25:51 (9:13)	GH	Let me see a pulse!
	DW	Is he breathing right now? [OV]
	AF	He's handcuffed! [OV]
	DW	Check his pulse!
20:25:56 (9:18)	TT	Alright [UI]. How long are we gonna have this conversation?
	DW	Check his pulse!
	TT	Okay.
20:25:57 (9:19)	DW	Check his pulse, Thao.
	GH	I'm telling you right now check his pulse [OV]
	TT	Alright.
	DW	Thao, check his pulse bro.
	TT	Yeah? Okay.
	DW	Thao, check his pulse, bro.



Thao knew unreasonable force was being used: GE 9 & 9A at 20:25:42 (Check for Pulse!) (Clip from 20:25:35 – 20:25:55)



	DW	Check his pulse!
20:25:56 (9:18)	TT	Alright [UI]. How long are we gonna have this conversation?
	DW	Check his pulse!
	TT	Okay.
20:25:57 (9:19)	DW	Check his pulse, Thao.
	GH	I'm telling you right now check his pulse [OV]
	TT	Alright.
	DW	Thao, check his pulse bro.
	TT	Yeah? Okay.
	DW	Thao, check his pulse, bro.
	DF	Look at this dude.
	TT	Just we've got EMS coming. Alright.
	DW	Bro, check his pulse, bro. Bro, check his pulse. You bogus bro. You bogus. [OV]
20:26:04 (9:26)	TT	Don't—don't do drugs guys.
	DW	Don't do drugs bro?
	TT	Exactly.
	DW	What is that?!
	GH	Check his pulse right now. [OV]
20:26:07 (9:29)	DW	What do you think that is?!
	TT	Okay. Okay.
20:26:09 (9:31)	DW	So you call what he doin' okay?



Thao knew unreasonable force was being used: GE 9 & 9A at 20:25:42 (Check for Pulse!) (Clip from 20:25:50 – 20:26:10)

2020-05-25 20:27:10 -0500  
AXON BODY 3 X6039A5BE



	GH	Do you have a pulse? [OV]
	DW	Bro you just got back out here bro. Bro you just got back out here bro. [OV]
	UM1	[vibrating noise] I've been watchin' it the whole time [U]I
20:27:08 (10:30)	TT	I'm busy tryin' to deal with you guy right now.
	GH	Okay, do they have pulse? [OV]

Thao knew unreasonable force was being used: GE 9 & 9A at 20:27:05-10 (Clip from 20:27:05 – 20:27:10) (Interacted with Bystanders – “Do THEY have a pulse?!”)





	UF1	What is this? He's still on the ground. You're still on him! Get the fuck off him! [OV]
	AF	For over three minutes! [OV]
	UF1	What are you doing? [OV]
20:27:32 (10:54)	DW	Bro three minutes bro. He's not fucking moving. [OV]
	UF1	He's like dying bro! What are you doing? He's dying! [OV]
	UF2	He's still on him. Why is he still on him? [OV]
	UF1	Bro, call my [UI] [OV]
	UF2	Ya'll see that he's not, oh my, what is wrong with you? [OV]
	DW	Bro he's not even fuckin' moving get off of his fuckin' neck bro. Get off of his neck! [OV]
	UF2	Like for real? You're still on him bro. For what? [OV]
	DW	Yes look at that! [OV]

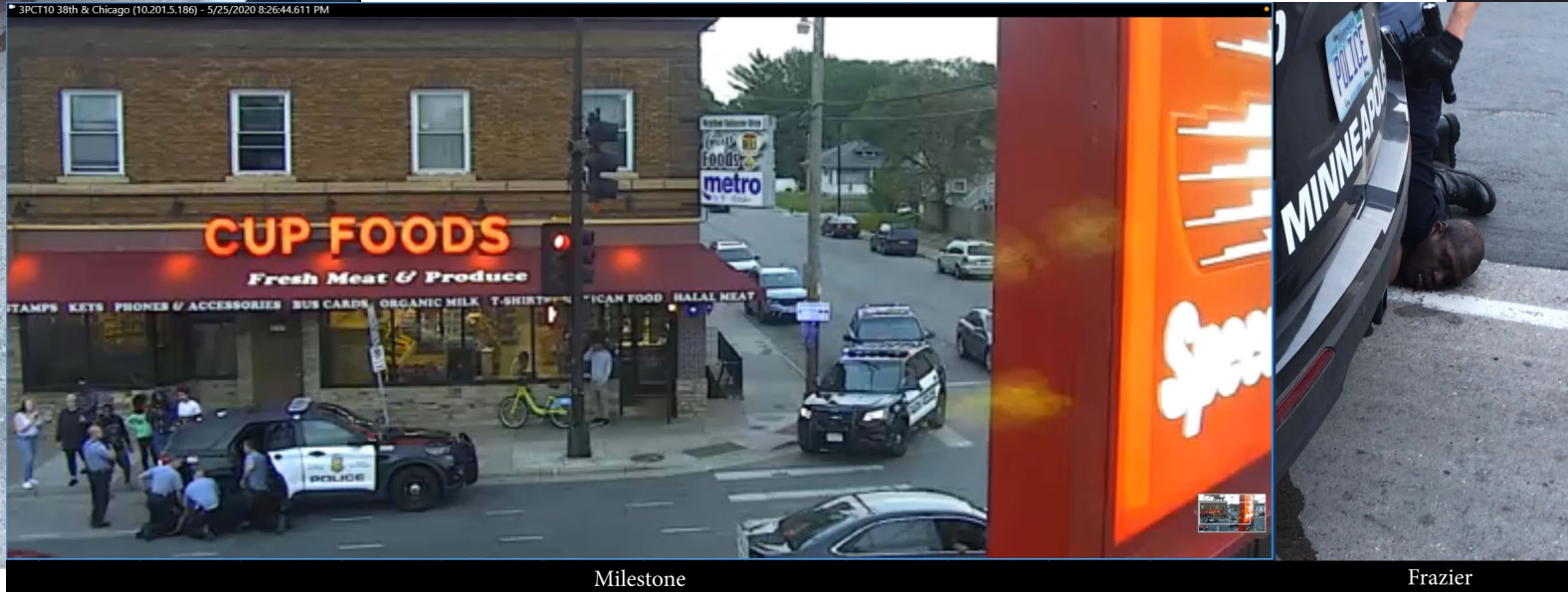
Thao knew unreasonable force was being used: GE 9 & 9A at 20:27:18 – 20:27:45 (Stopping Breathing).





8:26:44

8:27:45



Milestone

Frazier

GE 19 (Hanson) at 2:59

GE 20 (Funari) at 1:52

Thao knew unreasonable force was being used : GE 21 at 20:26:44; GE 19 at 2:59; GE 20 at 1:52

Clip GE 21 20:26:40 – 20:26:50

Count 2  
2(b) Def Kueng knew  
unreasonable force was being  
used



Def Kueng knew unreasonable force was being used: GE 7 at 20:19:17 (Seconds after Chauvin starts restraint and JK still reaching for [and ostensibly looking down at] hands only inches from neck restraint)



2020-05-25 20:19:35 -0500  
AXON BODY 3 X6039A5AT



Kueng knew unreasonable force was being used: GE 7 at 20:19:35 (Helping to hold down GF and full perspective of neck restraint)

2020-05-25 20:22:00 -0500  
AXON BODY 3 X6039A5AT



Kueng knew unreasonable force was being used: GE 7 at 20:22:00 (Helping to hold down GF; full perspective of neck restraint; GF has just told TT he can't breathe, referencing the knee on his neck)

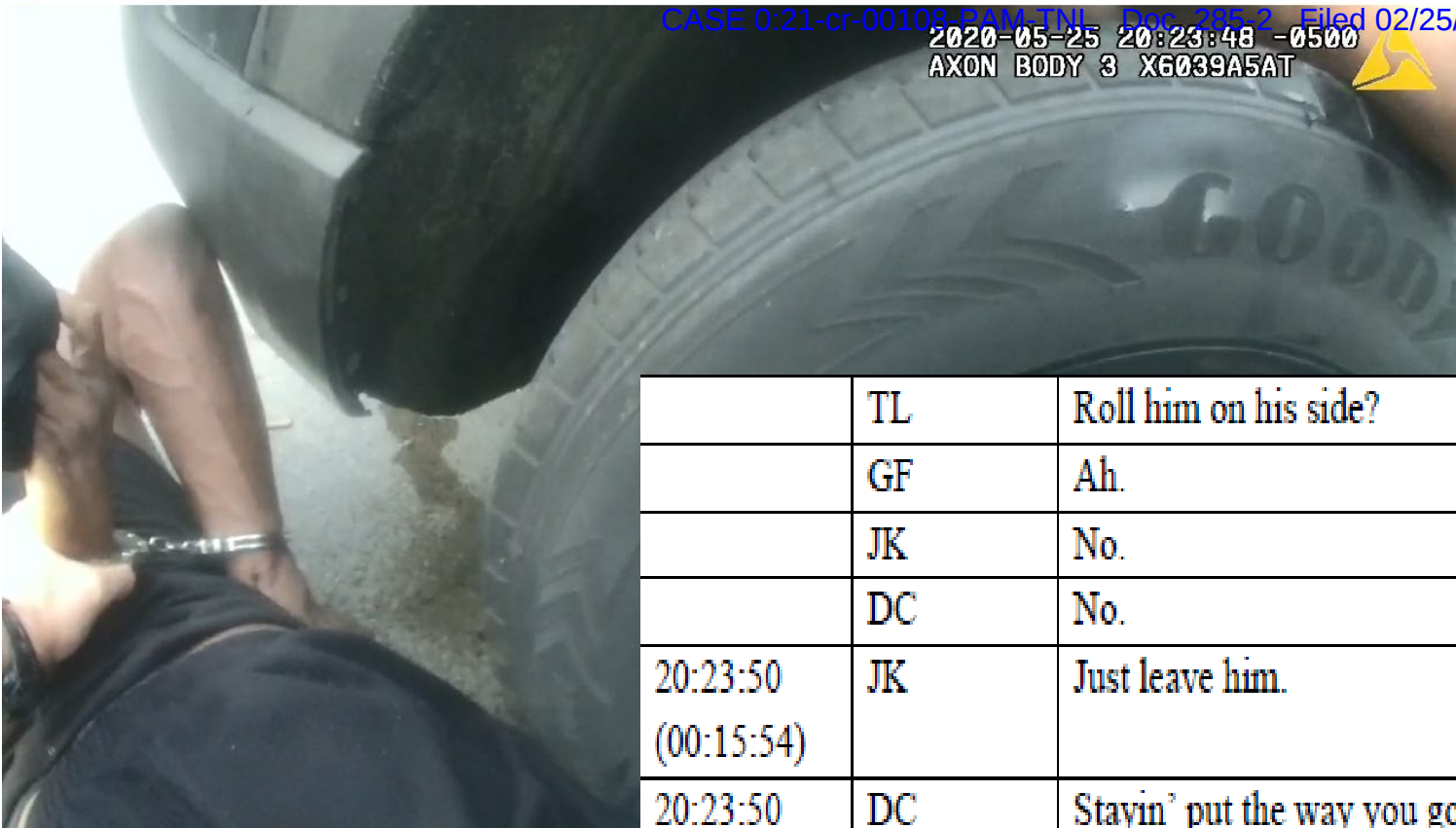




	DC	You're doing a lot of talking. Lot of yelling.
	GF	They will kill me. They will kill me man. [UI] Ah ha.
20:22:46 (00:14:50)	DC	Takes a heck of a lot of oxygen to s-
	GF	Ah!
	CBM	[UI] knee on his neck man, you can get off his neck man. [UI]
	GF	Come on man. Ah! Ah. Ah. Ah.
	CBM	Yeah that's that's wrong right there, putting his knee in his neck. [UI]

Kueng knew unreasonable force was being used: GE 9 & 7A at 20:24:39 - 48

CLIP GE 9: 20:22:35 – 20:22:48

2020-05-25 20:23:48 -0500  
AXON BODY 3 X6039A5AT

	TL	Roll him on his side?
	GF	Ah.
	JK	No.
	DC	No.
20:23:50 (00:15:54)	JK	Just leave him.
20:23:50 (00:15:54)	DC	Stayin' put the way you got him.
	GF	Ah!
	TL	Okay

Kueng knew unreasonable force was being used: GE 7 & 7A at 20:23:48 (TL 1<sup>st</sup> Roll him on his side – DC & JK say “No.”).





20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]

Kueng knew unreasonable force was being used: GE 7 & 7A at 20:24:48 (TL says he's passing out after AF says so beginning at 20:24:44).

CLIP GE 7: 20:24:40 – 20:24:50

	GH	[UI] does he have a pulse?
	DW	No bro look at him! He's not responsive right now, bro!
	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]



Kueng knew unreasonable force was being used: GE 7 & 7A at 20:25:50-59 (1<sup>st</sup> Pulse Check – can't find one).

CLIP GE 7: 20:25:40 – 20:26:00





20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]
	DW	Thao, check his pulse, bro.
	DC	Huh?
	JK	Said I was checkin' for a pulse.
	DW	Bro, check his pulse. Bro you bogus bro! You bogus. Don't do drugs bro? What is that? What do you think that is? He so you call what he doin' okay? [radio]
	JK	I can't find one.

Kueng knew unreasonable force was being used: GE 7 & 7A at 20:25:59 - (Continued Pulse Checks—can't find one).

CLIP GE 7: 20:26:05 – 20:26:30

17 A. True.

18 Q. Could have a cup of coffee?

19 A. Likely.

20 Q. And you'd have to agree with me that your opinion is  
21 based on a lot of things that Mr. Kueng didn't know about as  
22 he sat there?

23 A. I think from my review, counsel, respectfully, Mr. Kueng  
24 had a front row seat to what was going on, and you showed  
25 some of that in some of the still photos and we saw some of

[2/7/2022] 2022-02-07\_21cr108 Vol X

Kueng knew unreasonable force was being used:  
Tr. at 1771 (Dr. Systrom testimony)



## Count 2

2(c) Def Thao had the opportunity and means to intervene to stop the unreasonable force



Milestone



Thao

Def Thao had the opportunity and means to intervene: GE 27 at 20:19:14.



2020-05-25 20:24:03 -0500  
AXON BODY 3 X6039A5BE

	DW	You're fucking stoppin' his breathing right there bro.
20:23:57 (7:19)	DC	[UI]
	GF	Please I can't breathe.
20:23:59 (7:21)	TT	Okay. He's talking.
	DW	He's talking. [OV]
	TT	It's hard to talk when your eh-it's hard to talk if your-i-i-if you're not breathing. [OV]
	DW	Bro [UI] just get him off the ground bro. You could get him off the ground, you being a bum right now. You could get him off the ground bro. You could get him off the ground, you being a bum right now.

Thao had the opportunity and means to intervene: GE 9 at 23:55 – 20:24:10

Bystanders Begging

Clip GE 9: 20:23:55 – 20:24:10



Thao had the opportunity and means to intervene: GE 27 at 20:25:04-07



20:26:09 (9:31)	DW	So you call what he doin' okay?
	TT	Get back on the street.
	DW	You call what he doin' okay?
	AF	Badge number 7162
	DW	You call- you call what you doin-you call what he doin' okay?
	TT	You-- are-are you really a firefighter? 'cause-
20:26:17 (9:39)	GH	Yes I am from Minneapolis.
	TT	Okay. Okay. Then get on the sidewalk!
	DW	Bro you you-you- you call- you think that's okay? [OV]
	GH	You show me his pulse!
	DW	Check his pulse!
	TT	Okay.
	GH	Check it right fuckin' now!
	DW	Thao. Check his pulse.
20:26:23 (9:45)	TT	Get back on the sidewalk.
	DW	Check- the man ain't moved yet bro. The man ain't moved yet bro.
	GH	You can find me on the street.
	TT	Okay where -where?
20:26:29 (9:51)	GH	Minneapolis! [OV]



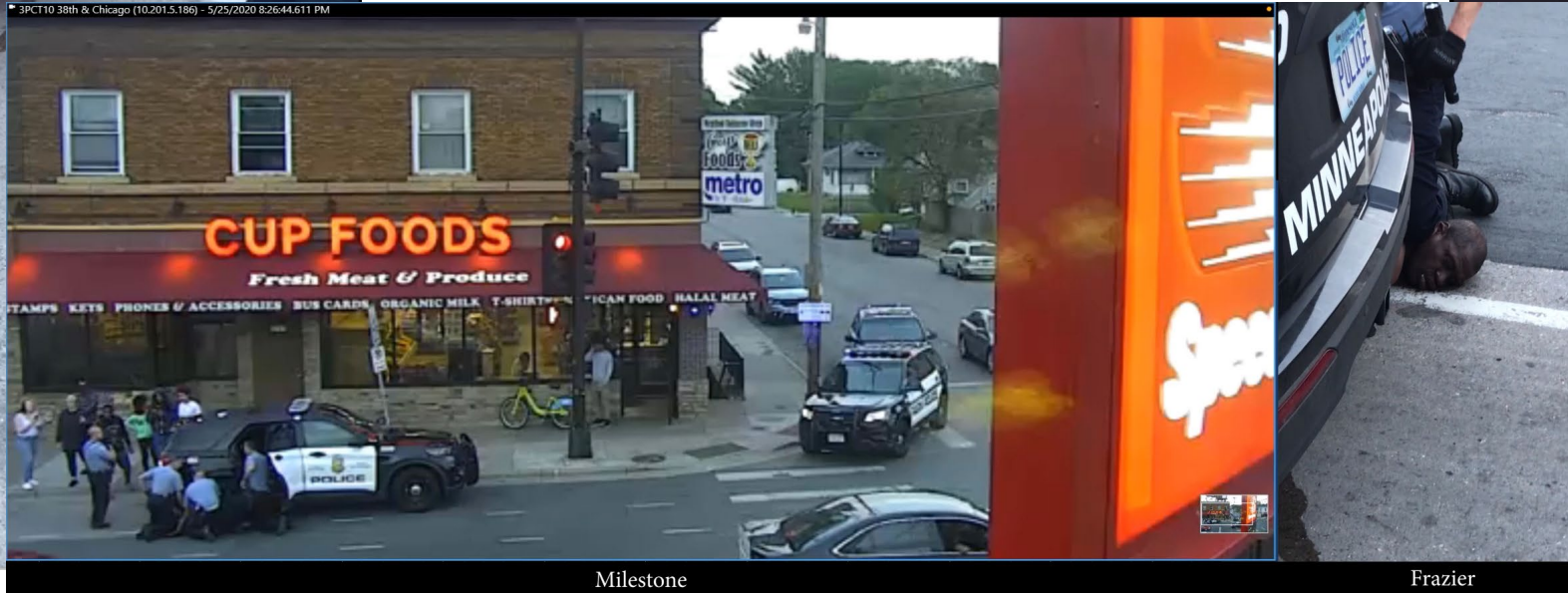
Thao had the opportunity and means to intervene: GE 9 at 20:26:09 – 20:26:29

Clip GE 9: 20:26:09 – 20:26:29 (Bystanders Begging)



8:26:44

8:27:45



GE 19 (Hanson) at 2:59

GE 20 (Funari) at 1:52

Thao had the opportunity and means to intervene: GE 21 at 20:26:44; GE 19 at 2:59; GE 20 at 1:52

Clip GE 21 20:26:40 – 20:26:50



		[SIRENS] FUCKING MOVING RIGHT NOW BRO.
20:26:59 (10:21)	UM1	I just saw that man.
	DW	Bro he was just movin' when I walked up here. [phone ringing] [OV]
	UM	[UI]
	UM1	Yeah I know and then-that-he-they did that to him-they did that to him.
	AF	So ya'll are gonna wait for the ambulance? [OV]
	DW	Bro, you just got out here. [OV]
	GH	Do you have a pulse? [OV]
	DW	Bro you just got back out here bro. Bro you just got back out here bro. [OV]
	UM1	[vibrating noise] I've been watchin' it the whole time [U]I
20:27:08 (10:30)	TT	I'm busy tryin' to deal with you guy right now.
	GH	Okay, do they have pulse? [OV]
	UM	[UI]
	DW	He doesn't have a- bro he's not fucking moving! [OV]
	GH	[OV][UI] them to check for one. Right now.
	AF	[OV] [UI] there's three of you guys you should be able to fuckin' multitask! That's your fuckin' job right?
	DF	Bro they're never gonna UI
	GH	Tell them to check one. I swear to god [UI] [OV]
20:27:16 (10:38)	DW	Bro, bro! What is you 1087 bro? [OV]
	DF	Oh my God! [OV]

Thao had the opportunity and means to intervene: GE 9A



	UF2	Why y'all still on him? He's not doin' nothing to y'all! [OV]
	DW	Bro he's- he's just gonna let him keep his hand on his neck bro? You're a bitch bro. Thao are you gonna- you're gonna let him keep that like that? [OV]
20:28:11 (11:33)	TT	H-hey if that makes you feel better about yourself go ahead. [OV]
	DW	You gonna let him kill that man in front of you bro? Huh? [OV]
	AF	[UI] [OV]
	DW	Huh? [OV]
20:28:14 (11:36)	UF2	Like what? Ya'll know that's not right. [OV]
	DW	Bro he's not even fuckin' moving right now. This is not [UI]

Thao had the opportunity and means to intervene: GE 9 at 20:28:01 – 20:28:17

(Clip from 20:28:01 – 20:28:17)( Bystanders Begging for Thao to Help)



16 BY MS. BELL:

17 Q. Okay. What did you observe? What, if anything, did you  
18 observe Officer Thao do to comply with the MPD policy and  
19 training on duty to intervene as you reviewed the video or  
20 videos?

21 A. I didn't see any part of duty to intervene on the video.

22 Q. Did you see anything in the video that you watched that  
23 would have prevented Officer Thao from complying with the  
24 MPD policy and training on duty to intervene?

25 A. I did not.

[1/28/2022] 2022-01-28\_21cr108 Vol VII

Thao had the opportunity and means to intervene: Tr. at 1121 (Inspector Blackwell testimony)

## Count 2

2(c) Def Kueng had the opportunity and means to intervene to stop the unreasonable force



Def Kueng had the opportunity and means to intervene: GE 7 at 20:19:17 (Seconds after Chauvin starts restraint and JK still reaching for [and ostensibly looking down at] hands only inches from neck restraint)

Clip 20:19:15 – 20:19:35 (Then don't need next slide)



2020-05-25 20:19:35 -0500  
AXON BODY 3 X6039A5AT



Kueng had the opportunity and means to intervene: GE 7 at 20:19:35 (Helping to hold down GF and full perspective of neck restraint)



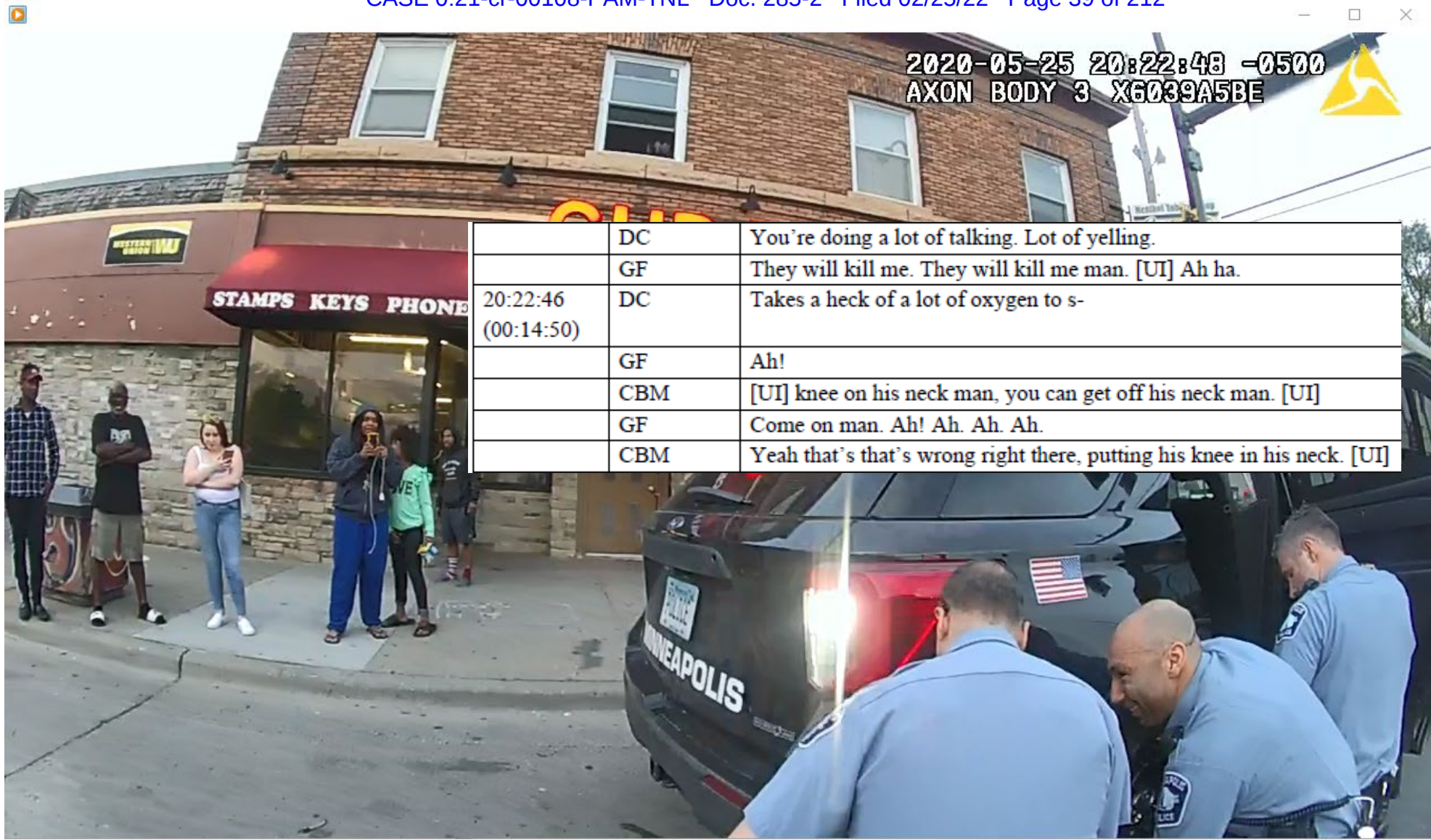
Kueng had the opportunity and means to intervene: GE 7 at 20:22:00 (Helping to hold down GF; full perspective of neck restraint; GF has just told TT he can't breathe shit)





Kueng had the opportunity and means to intervene: GE 7 at 22:22:18 (Not otherwise occupied by the crowd;  
rock picking)

Clip 20:22:18 – 20:22:28



Kueng had the opportunity and means to intervene: GE 9 & 7A at 20:24:39 - 48

CLIP GE 9: 20:22:35 – 20:22:48



Axon\_Body\_3\_Video\_2020-05-25\_2008

2020-05-25 20:25:04 -0500  
AXON BODY 3 X6039A5AT

20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]
	DW	You think that's cool though right? What's your what's your oh what's your ] badge number bro? You think that's cool right now bro?
	DC	It's alright though?
20:24:58 (00:17:02)	TL	Yeah, I mean.
20:24:59 (00:17:03)	JK	Good so far.
	TL	My knee might be a little scratched, but I'll survive. [radio]

Kueng had the opportunity and means to intervene: GE 7 & 7A at 20:24:45 – 20:25:04

CLIP GE 7: 20:24:44 – 20:25:04

Axon\_Body\_3\_Video\_2020-05-25\_2008

2020-05-25 20:25:04 -0500  
AXON BODY 3 X6039A5AT

20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]
	DW	You think that's cool though right? What's your what's your oh what's your ] badge number bro? You think that's cool right now bro?
	DC	It's alright though?
20:24:58 (00:17:02)	TL	Yeah, I mean.
20:24:59 (00:17:03)	JK	Good so far.
	TL	My knee might be a little scratched, but I'll survive. [radio]

13:28

Kueng had the opportunity and means to intervene: GE 7 & 7A at 20:24:45 – 20:25:04

CLIP GE 7: 20:24:44 – 20:25:04

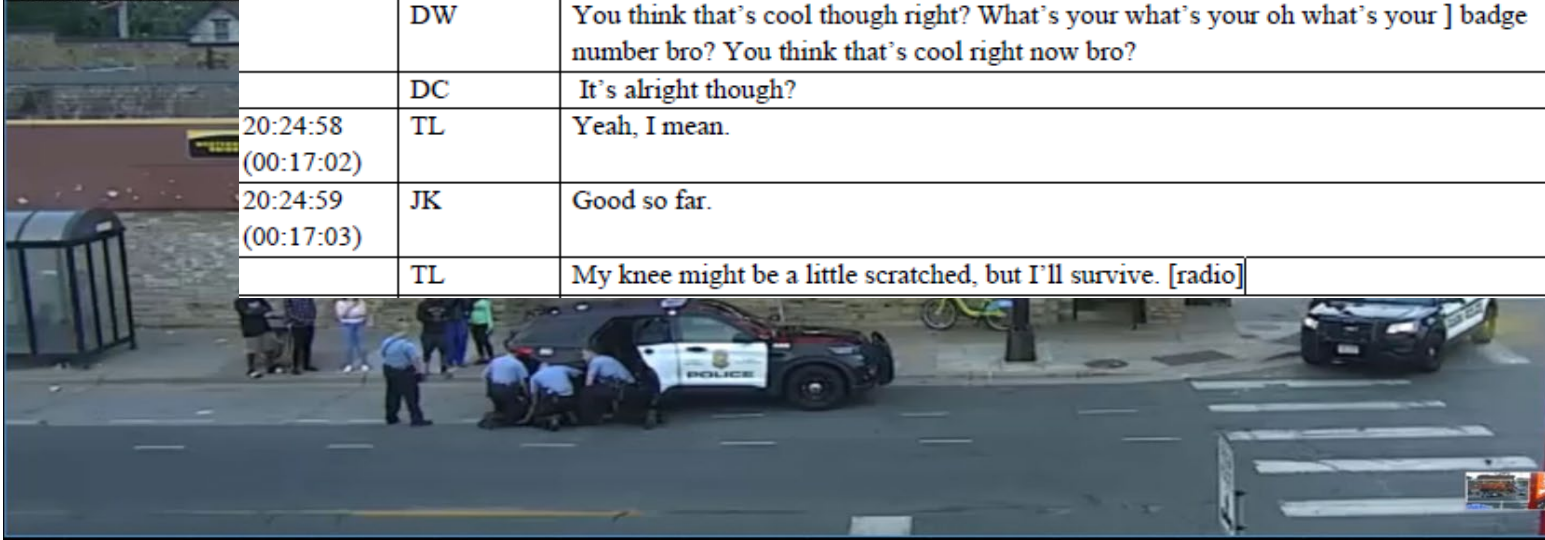




8:25:04

20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]
	DW	You think that's cool though right? What's your what's your oh what's your ] badge number bro? You think that's cool right now bro?
	DC	It's alright though?
20:24:58 (00:17:02)	TL	Yeah, I mean.
20:24:59 (00:17:03)	JK	Good so far.
	TL	My knee might be a little scratched, but I'll survive. [radio]

3PCT10 38th &amp; Chicago (10.2015.186)



Milestone



Frazier

8:25:07

Kueng had the opportunity and means to intervene: GE 27 at 20:25:04 – 07

2020-05-25 20:28:42 -0500

AXON BODY 3 X6039A5AT



Kueng had the opportunity and means to intervene: GE 7 at 22:28:42 (EMTs arrived but DC still on GF; JK still has full perspective of neck restraint)

Q. What, if anything, did you observe in the video that you watched that would have prevented or could have prevented Mr. Kueng from complying with the MPD policy and training on the duty to intervene?

A. Nothing.

Kueng had the opportunity and means to intervene: Tr. at 1126 (Inspector Blackwell testimony)



## Count 2

2(d) Def Thao failed to take  
reasonable steps to intervene

2020-05-26 20:21:00 - 0600  
AXON BODY 3 X6039A5BE



Milestone

Frazier

Def Thao failed to take reasonable steps to intervene: GE 9 & GE 21 at 20:21:00 (TT facing and has full perspective of neck restraint)

Clip GE 9 at 20:21:00 – 20:21:10 (Doing Nothing to Intervene)





Thao failed to take reasonable steps to intervene: GE 9 & GE 21 at 20:23:00 (TT facing and has full perspective of neck restraint)

Clip GE 9 at 20:23:00 – 20:23:10 (Doing Nothing to Intervene)





Milestone



8:25:04



Milestone



8:25:07

Thao failed to take reasonable steps to intervene: GE 9 & GE 21 at 20:24:04 & 07 (TT facing and has full perspective of neck restraint)

Clip GE 21 at 20:24:55 – 20:25:10 (Doing Nothing to Intervene)

16 BY MS. BELL:

17 Q. Okay. What did you observe? What, if anything, did you  
18 observe Officer Thao do to comply with the MPD policy and  
19 training on duty to intervene as you reviewed the video or  
20 videos?

21 A. I didn't see any part of duty to intervene on the video.

Thao failed to take reasonable steps to intervene: Tr. at 1121 (Inspector Blackwell testimony)

9                               Okay. Did you see Officer Thao attempt to  
10       intervene?  
11       A. No.

Thao failed to take reasonable steps to intervene: Tr. at 2523 (Lt. Zimmerman testimony)



17 Q. Yes. The question was: Was Mr. Thao's conduct  
18 consistent or inconsistent with the generally accepted  
19 policing practices regarding the duty to intervene?

20 A. With respect to the duty to intervene, it was contrary  
21 to generally accepted policing practices.

22 Q. Why was that?

23 A. Because he didn't do anything.

Thao failed to take reasonable steps to intervene: Tr. at 2818 (Chief Longo testimony)

## Count 2

2(d) Def Kueng failed to take  
reasonable steps to intervene



Def Kueng failed to take reasonable steps to intervene: GE 7 at 20:19:17 (Seconds after Chauvin starts restraint and JK still reaching for [and ostensibly looking down at] hands only inches from neck restraint)

Clip 20:19:15 – 20:19:35



2020-05-25 20:19:35 -0500  
AXON BODY 3 X6039A5AT



Kueng failed to take reasonable steps to intervene: GE 7 at 20:19:35 (Helping to hold down GF and full perspective of neck restraint)

2020-05-25 20:22:00 -0500  
AXON BODY 3 X6039A5AT



Kueng failed to take reasonable steps to intervene : GE 7 at 20:22:00 (Helping to hold down GF; full perspective of neck restraint; GF has just told TT he can't breathe, referencing the knee on his neck)





Kueng failed to take reasonable steps to intervene: GE 7 at 22:28:42 (EMTs arrived but DC still on GF; JK has full perspective of neck restraint)



21 Q. All right. With respect to Officer Kueng, in your  
22 review of any of the videos that you saw, did you observe  
23 Officer Kueng take any steps to comply with the MPD policy  
24 on the -- and training on the duty to intervene?  
25 A. I did not.

Kueng failed to take reasonable steps to intervene: Tr. at 1125 (Inspector Blackwell testimony)

12       Q. Did you see Officer Kueng attempt to intervene?

13       A. No.

Kueng failed to take reasonable steps to intervene: Tr. 2523 (Lt. Zimmerman testimony)

9 A. I believe Mr. Kueng's conduct was contrary to generally  
10 accepted policing practices with respect to his duty to  
11 intervene.

12 Q. Why is that your opinion?

13 A. Well, because like others, he saw what was taking place.  
14 He saw Chauvin's knee on Mr. Floyd's neck. He saw Mr. Floyd  
15 pinned to the ground. He assisted in that regard. He had  
16 the opportunity to take Mr. Floyd's pulse. He couldn't find  
17 one. Those are just a handful of reasons why I think my  
18 opinion is supported in that regard.

Kueng failed to take reasonable steps to intervene: Tr. 2823 (Chief Longo testimony)



## Count 2

3. Def Thao committed the acts  
or omissions willfully


**ELECTRONIC VERSION OF THE MPD  
POLICY & PROCEDURE MANUAL**

I understand that I am accountable for knowing and abiding by all policies and procedures contained within the Minneapolis Police Department Policy and Procedure Manual and that I will be held accountable for abiding by the policies and procedures contained therein.

I have read the instructions and understand how to access the online electronic version of the Minneapolis Police Department Policy and Procedure Manual.

*\*\*If you do not understand how to access the online manual, see your immediate supervisor for training until you are able to successfully access the online manual.\*\**

NAME: Tou THAO  
(Please print)

SIGNED: 

BADGE/EMPLOYEE #: 007162

DATE: 1-17-2012

**SIGNATURE AND RETURN OF THIS RECEIPT IS MANDATORY**

Thao's failure to intervene was willful: GE 58

<b>VOLUME FIVE - CODE OF CONDUCT AND USE OF FORCE</b>
<b>USE OF FORCE</b>

**5-301 PURPOSE (10/16/02) (08/17/07) (07/28/16)**

- A.** Sanctity of life and the protection of the public shall be the cornerstones of the MPD's use of force policy.

Thao's failure to intervene was willful: GE 46



### **5-301.01 POLICY (10/16/02) (08/17/07)**

Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

Thao's failure to intervene was willful: GE 46

**5-303.01 DUTY TO INTERVENE (07/28/16)**

(A-D)

- A. Sworn employees have an obligation to protect the public and other employees.
- B. It shall be the duty of every sworn employee present at any scene where physical force is being applied to either stop or attempt to stop another sworn employee when force is being inappropriately applied or is no longer required.

Thao's failure to intervene was willful: GE 46

**C. Neck restraints shall not be used against subjects who are passively resisting as defined by policy. (04/16/12)**

Thao's failure to intervene was willful: GE 46 at 5-311 II.C.



**Side Recovery Position:** Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing.

Thao's failure to intervene was willful: GE 46 at 5-316 III (definitions)

WorkForce Director

Page 1 of 6

**Training Records****Training History for:** Tou Thao**Employee Id:** 007162**Total Continued Education Credits:** 1014.0**Total Instructor Credits:** 0.0

(Add training that are not associated with an existing Event/TimeSlot)

		Course	Start Date	End Date	Grade	Continued Education Credits	Instructor Credits	Make	Model	Serial #	Commer
Edit	Delete	2020 Annual Semi-Automatic Handgun and Gas Mask Fit Testing, January - February, Multiple dates	2/6/2020	2/6/2020	PASS	1.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase III, September - December 2019	12/3/2019	12/3/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase III, September - December 2019	12/2/2019	12/2/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase II, (Apr-Aug/Sep 25-26)	6/13/2019	6/13/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase II, (Apr-Aug/Sep 25-26)	6/12/2019	6/12/2019	Not Applicable	7.00					

Thao's failure to intervene was willful: GE 59

## Duty to Intervene *(5-303.01 Updated)*

- MPD employees have an obligation to protect the public & other employees
- If you're present when inappropriate physical force is being applied, or is no longer required, it is your DUTY to stop the application of force

US001



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Thao's failure to intervene was willful: GE 61



## Use of Neck Restraints (5-311)

Conscious NR is OK on Actively Resistant Subjects

Unconscious NR only applied under the following circumstances:

- On subjects who are exhibiting active aggression, or;
- For life saving purposes, or;
- On subjects who are exhibiting active resistance in order to gain control of a subject and if lesser attempts at control have been or would likely be ineffective.
- **NOTE** –NR shall not be used against subjects who are demonstrating passive resistance as defined by policy.

US001



Thao's failure to intervene was willful: GE 61

## Maximal Restraint Technique (5-316)

### Definitions

- Hobble Restraint Device
  - “RIPP Hobble” used to limit movement by tethering legs together
- Maximal Restraint Technique (MRT)
  - Securing feet to waist to prevent movement
  - Limits property damage or injury to self/others
- Prone Position
  - Subject face down
- Side Recovery Position
  - Subject on side while in restraints; reduces chest pressure & helps breathing

US001



Thao's failure to intervene was willful: GE 61

## MRT - Safety

- Side Recovery Position ASAP
- No Prone Transport
- Monitor until EMS or transfer of custody
- Request EMS if medical condition arises
- Transported 2-person squad; seat belt on and seated upright or side lying in squad
- MVR activated and Body Cameras activated
- Notify next agency of MRT application

**NOTE** – do not hogtie unless no other option (i.e. life saving measures) and change to MRT as soon as possible

US001



Thao's failure to intervene was willful: GE 61



**1025 – Instructor Demonstration – Breakdown, neck restraint, lower to ground, prone handcuff, sit opponent up, and bring opponent to standing**

Thao's failure to intervene was willful: GE 62 (2019 Defensive Tactics lesson plans)

## **Drill – By bullet point**

### **Subject from prone to standing**

- Support subject's neck with a C grip
- Grab one arm of subject
- Roll them up to a seated position
- Gerber slap to their lower back if they have not regained consciousness (Get medical immediately if unconscious for more than 30 seconds)
- Have subject tuck a leg in/bend their knee
- Push subject toward that bent knee to a kneeling position
- Push towards kneeling side to stand

### **Drill – Prone to standing**

Thao's failure to intervene was willful: GE 62 (2019 Defensive Tactics lesson plans)

## Duty to Intervene (5-303.01)

- MPD employees have an obligation to protect the public & other employees
- If you're present when inappropriate physical force is being applied, or is no longer required, it is your DUTY to stop the application of force

US001



Thao's failure to intervene was willful: GE 63



## Taser, Chemical Agents, Impact Weapons, Neck Restraints

Only permitted under the following circumstances:

- On subjects who are exhibiting active aggression, or;
- For life saving purposes, or;
- On subjects who are exhibiting active resistance in order to gain control of a subject and if lesser attempts at control have been or would likely be ineffective.
- **NOTE** - shall not be used against subjects who are demonstrating passive resistance as defined by policy.

US001



Thao's failure to intervene was willful: GE 63

## MRT – Safety (5-316)

- Side Recovery Position ASAP
- No Prone Transport
- Monitor until EMS or transfer of custody
- Request EMS if medical condition arises
- Transported 2-person squad; seat belt on and seated upright or side lying in squad
- MVR activated and Body Cameras activated
- Notify next agency of MRT application

**NOTE** – do not hogtie unless no other option (i.e. life saving measures) and change to MRT as soon as possible

US001



Thao's failure to intervene was willful: GE 63

## Count 2

3. Def Kueng committed the acts or omissions willfully



**ELECTRONIC VERSION OF THE MPD  
POLICY & PROCEDURE MANUAL**

I understand that I am accountable for knowing and abiding by all policies and procedures contained within the Minneapolis Police Department Policy and Procedure Manual and that I will be held accountable for abiding by the policies and procedures contained therein.

I have read the instructions and understand how to access the online electronic version of the Minneapolis Police Department Policy and Procedure Manual.

*\*\*If you do not understand how to access the online manual, see your immediate supervisor for training until you are able to successfully access the online manual.\*\**

NAME: J. Alexander Kueng  
(Please print)

SIGNED: J. Kueng

BADGE/EMPLOYEE #: 3897

DATE: 2/7/2019

**SIGNATURE AND RETURN OF THIS RECEIPT IS MANDATORY**

Kueng's failure to intervene was willful: GE 66

<b>VOLUME FIVE - CODE OF CONDUCT AND USE OF FORCE</b>
<b>USE OF FORCE</b>

**5-301 PURPOSE (10/16/02) (08/17/07) (07/28/16)**

- A.** Sanctity of life and the protection of the public shall be the cornerstones of the MPD's use of force policy.

Kueng's failure to intervene was willful: GE 46

### **5-301.01 POLICY (10/16/02) (08/17/07)**

Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

Kueng's failure to intervene was willful: GE 46



**5-303.01 DUTY TO INTERVENE (07/28/16)**

(A-D)

- A. Sworn employees have an obligation to protect the public and other employees.
- B. It shall be the duty of every sworn employee present at any scene where physical force is being applied to either stop or attempt to stop another sworn employee when force is being inappropriately applied or is no longer required.

Kueng's failure to intervene was willful: GE 46

C. Neck restraints shall not be used against subjects who are passively resisting as defined by policy. (04/16/12)

Kueng's failure to intervene was willful: GE 46 at 5-311 II.C.

**Side Recovery Position:** Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing.

Kueng's failure to intervene was willful: GE 46 at 5-316 III (definitions)



### Training Records

Training History for: J Kueng

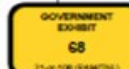
Employee Id: 003897

Total Continued Education Credits: 30.0

Total Instructor Credits: 0.0

(Add training that are not associated with an existing Event/TimeSlot)

		Course	Start Date	End Date	Grade	Continued Education Credits	Instructor Credits	Make	Model	Serial #	Comment
Edit	Delete	2020 Annual In-Service Training Program, Phase I, January - April, Multiple Dates	2/11/2020	2/11/2020	Not Applicable	7.00					
Edit	Delete	2020 Annual In-Service Training Program, Phase I, January - April, Multiple Dates	2/10/2020	2/10/2020	Not Applicable	7.00					
Edit	Delete	2020 Annual Semi-Automatic Handgun and Gas Mask Fit Testing, January - February, Multiple dates	1/14/2020	1/14/2020	PASS	1.00					
Edit	Delete	2019 X-CEL Energy Active Shooter Exercise, December 14, 2019	12/14/2019	12/14/2019	Not Applicable	7.00					
Edit	Delete	2019 Procedural Justice III for Cadets (Dec 12)	12/12/2019	12/12/2019	Not Applicable	0.00					***Academy Course
Edit	Delete	2019 SPST Training Program for Cadets (Nov 04-05)	11/4/2019	11/5/2019	Not Applicable	0.00					***Academy Course
Edit	Delete	2019 Introduction to PIMS for Cadets (Aug 19-22)	8/19/2019	8/22/2019	Not Applicable	0.00					**Academy Course
Edit	Delete	2018 PIMS Basic Training-	5/22/2018	5/22/2018	Not Applicable	8.00					



Kueng's failure to intervene was willful: GE 68

**As a Police Officer you will be responsible not only for your actions but also for the actions of your partner and others. The Training Staff expects the Recruits to police each other on matters of dress, behavior, and adherence to rules and regulations. When it becomes necessary for the Training Staff to address these issues with an individual it becomes a matter of record and the consequences are generally more severe. You will be held responsible for your actions and inactions.**

Kueng's failure to intervene was willful: GE 130 (Academy manual)

Minneapolismn.gov

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## 5-300 Use of Force

### 5-301 PURPOSE (10/16/02) (08/17/07) (07/28/16)

- A. Sanctity of life and the protection of the public shall be the cornerstones of the MPD's use of force policy.
- B. The purpose of this chapter is to provide all sworn MPD employees with clear and consistent policies and procedures regarding the use of force while engaged in the discharge of their official duties. (Note: MPD Training Unit Lesson Plans – Use of Force, are used as a reference throughout this chapter.)

### 5-301.01 POLICY (10/16/02) (08/17/07)

Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

Kueng's failure to intervene was willful: GE 130 (Academy manual)

**5-303.01 DUTY TO INTERVENE (07/28/16)**

(A-D)

- A. Sworn employees have an obligation to protect the public and other employees.
- B. It shall be the duty of every sworn employee present at any scene where physical force is being applied to either stop or attempt to stop another sworn employee when force is being inappropriately applied or is no longer required.

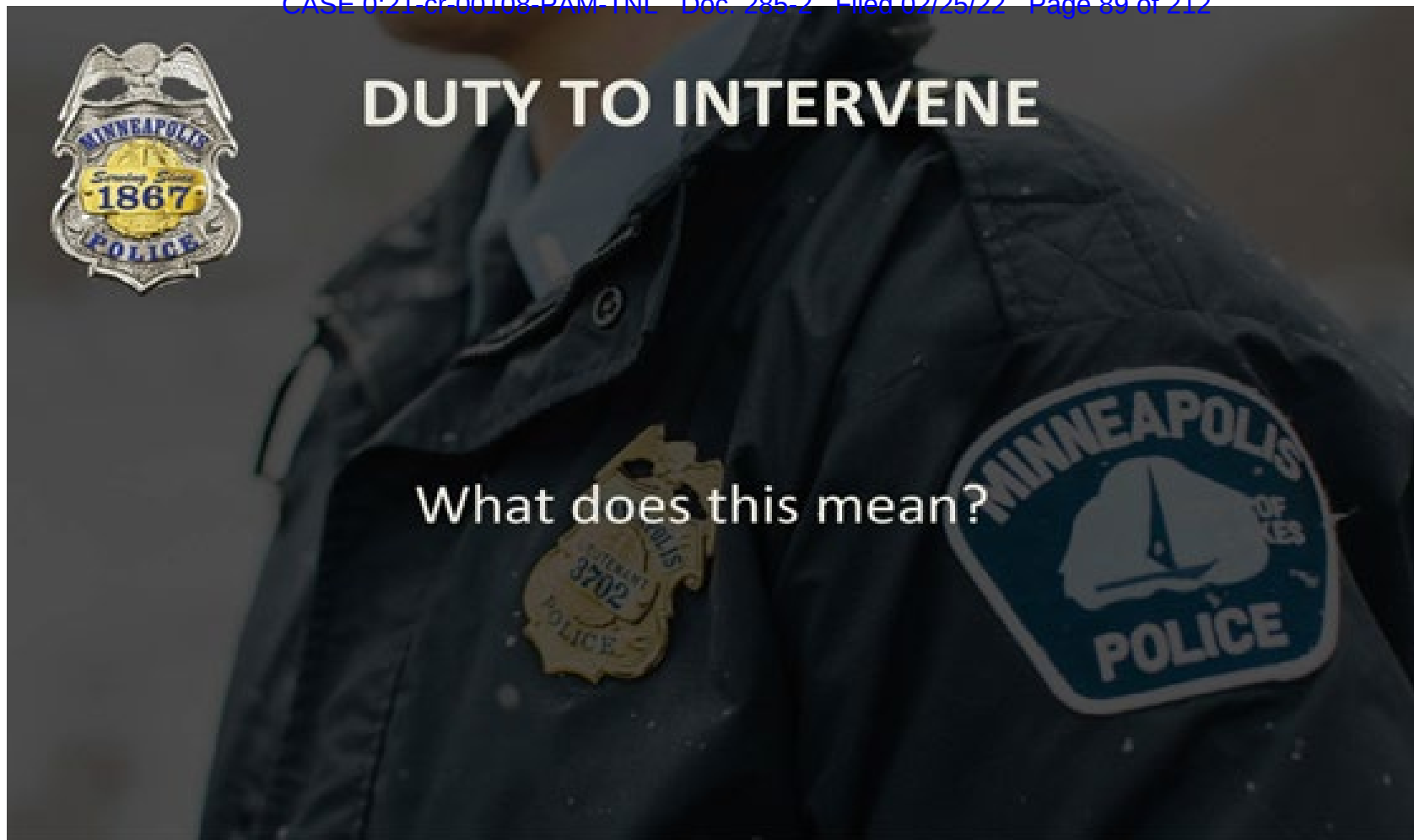
Kueng's failure to intervene was willful: GE 130 (Academy manual)



## PROCEDURES/REGULATIONS II.

- A. The Conscious Neck Restraint may be used against a subject who is actively resisting. (04/16/12)
- B. The Unconscious Neck Restraint shall only be applied in the following circumstances: (04/16/12)
  - 1. On a subject who is exhibiting active aggression, or;
  - 2. For life saving purposes, or;
  - 3. On a subject who is exhibiting active resistance in order to gain control of the subject; and if lesser attempts at control have been or would likely be ineffective.
- C. Neck restraints shall not be used against subjects who are passively resisting as defined by policy. (04/16/12)
- D. After Care Guidelines (04/16/12)
  - 1. After a neck restraint or choke hold has been used on a subject, sworn MPD employees shall keep them under close observation until they are released to medical or other law enforcement personnel.
  - 2. An officer who has used a neck restraint or choke hold shall inform individuals accepting custody of the subject, that the technique was used on the subject.

Kueng's failure to intervene was willful: GE 130 (Academy manual)



Minneapolis  
Police



US001

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Kueng's failure to intervene was willful: GE 73



## UNCONSCIOUS NECK RESTRAINT

**Shall not be used against  
subjects who are passively  
resisting as defined by policy**



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Kueng's failure to intervene was willful: GE 73



# MAXIMAL RESTRAINT TECHNIQUE

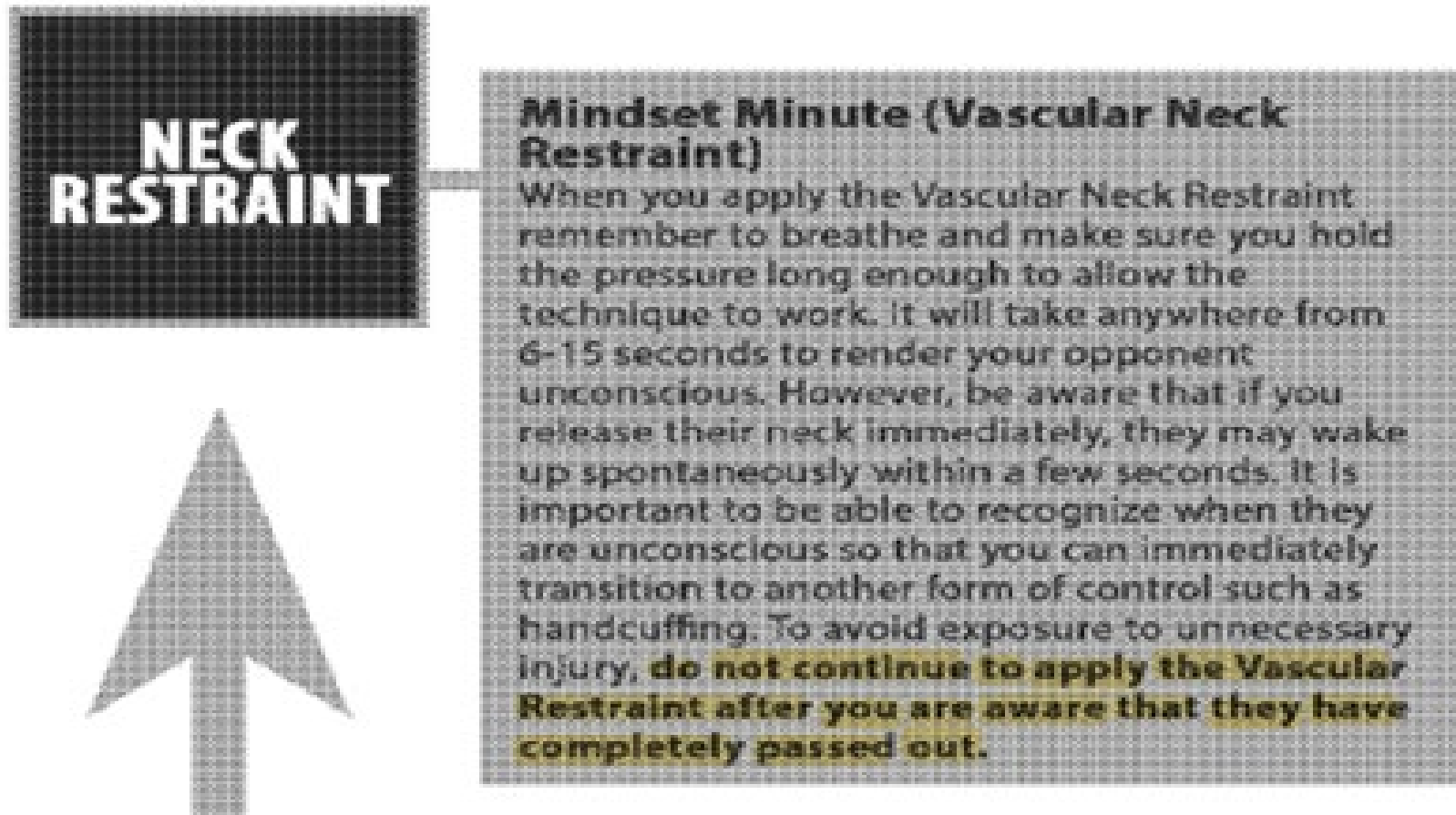
- \*Hobble Restraint Device: limits the motion of a person by tethering both legs together. Ripp Hobble™ is the only authorized brand to be used
- \*Maximal Restraint Technique (MRT): Technique used to secure a subject's feet to their waist in order to prevent the movement of legs and limit the possibility of property damage or injury to him/her or others.
- \*Prone Position: lay a restrained subject face down on their chest
- \*Side Recovery Position: Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing

\*\*\*\*\*The Maximal Restraint Technique shall only be used in situations where handcuffed subjects are combative and still pose a threat to themselves, officers or others, or could cause significant damage to property if not properly restrained.



Kueng's failure to intervene was willful: GE 73





Kueng's failure to intervene was willful: GE 74

**Test of Proportionality**

• Neck Restraints (conscious or unconscious applications) shall only be used against subjects when lower force options either:

- Have failed,
- Will likely fail, or
- Are too dangerous to attempt

• Neck Restraints shall not be used against persons who are only displaying Passive Resistance as defined by policy. **Test of Proportionality**

- If unconsciousness occurred, request EMS immediately by radio
- Loosen clothing & jewelry around the SUB's neck area
- Check airway & breathing – start CPR if needed

After a Neck Restraint has been applied, you shall keep them under close observation until they are released to medical or other law enforcement personnel.

**Transfer of Custody**

- Prior to transferring custody of a subject that force was used upon, you shall verbally notify the receiving agency or employee of:
    - The type of force used,
    - Any injuries sustained (*real or alleged*) and
- 

Kueng's failure to intervene was willful: GE 74

**Prone Position:** For purposes of this policy, the term Prone Position means to lay a restrained subject face down on their chest.

**Side Recovery Position:** Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing.

Kueng's failure to intervene was willful: GE 74

8. (1-403) Employees shall truthfully answer questions or render material(s) and relevant statements in a departmental investigation when so directed, consistent with the constitutional rights of the employees.

- ☒ A. True
- ☐ B. False

9. (1-407) Who oversees a scene at a Police Incident, if a superior (higher ranking) officer is absent?

- ☐ A. Senior officer at the scene
- ☒ B. Senior officer of the 1st squad to arrive at the scene
- ☐ C. B of I
- ☐ D. No one is in charge until a superior arrives

Kueng's failure to intervene was willful: GE 74





## 5-101.01 TRUTHFULNESS (01/26/05) (11/15/13)

The integrity of police service is based on truthfulness. Officers shall not willfully or knowingly make an untruthful statement, verbally or written, **or knowingly omit pertinent information** pertaining to his/her official duty as a Minneapolis Police Officer.

The conduct of police officers is governed by the MPD Policy and Procedure Manual and applicable State and Federal law. All employees of the Minneapolis Police Department are required to maintain a working knowledge of and to obey the code of conduct, civil service rules.

MPD employees shall not willfully or knowingly make an untruthful statement **or knowingly omit pertinent information** in the presence of **any supervisor**, intended for the information of any supervisor, or before any court or hearing. Officers shall not make any false statements to justify a criminal or traffic charge or seek to unlawfully influence the outcome of any investigation. (12/14/07)

omit pertinent information in the presence of any supervisor, intended for the information of any supervisor, or before any court or hearing. Officers shall not make any false statements to justify a criminal or traffic charge or seek to unlawfully influence the outcome of any investigation.

These requirements apply to **any report, whether verbal or written**, concerning official MPD business including, but not limited to, written reports, transmissions to MECC and officers via radio, telephone, pager, e-mail or MDC.

BUSINESS (12/14/07)



## Count 3.

2(b) Def Thao knew that George Floyd had a serious medical need



	TT	What are you- what are you on?
20:21:53 (5:15)	GF	I can't breathe! Please, the knee on my neck. I can't breathe shit. Uh ah.

Def Thao knew that George Floyd had a serious medical need: GE 9 & GE 9A at 20:21:48 – 20:22:00

Clip 20:21:50 – 20:22:00.





Milestone



Frazier

8:25:04



Milestone



Frazier

8:25:07

Thao knew that George Floyd had a serious medical need : GE 9 & GE 21 at 20:24:04 & 07 (TT facing and has full perspective of neck restraint)

Clip GE 21 at 20:24:55 – 20:25:10 (Clear observation of medical condition after several minutes of observation)





Milestone



Thao

Thao knew that George Floyd had a serious medical need: GE 27 at 20:25:05.



Thao knew that George Floyd had a serious medical need: GE 9 at 20:25:21.



2020-05-25 20:25:32 -0500  
AXON BODY 3 X6039A5BE



	GH	I'm a-I'm a firefighter from Minneapolis.
20:25:30 (8:52)	DW	Bro look well you should check on him [OV]
	DW	He's not responsive right now.
	AF	Look! [PV]
	GH	Does he have a pulse? [OV]
	TT	Back off! [OV]
	DW	He's not responsive right now.
	GH	Does he have a pulse?
	TT	Get off- get off the street before you get run over.

Thao knew that George Floyd had a serious medical need: GE 9 & 9A at 20:25:30 (Look!) (Clip from 20:25:25 – 20:25:40)

20:25:42 (9:04)	DW	He's not responsive right now bro.
	GH	I'm watching. Does he have a pulse?
	DW	No bro look at him he's not responsive right now. [OV]
	GH	Check- check him for a pulse. Please. [OV]
20:25:48 (9:10)	TT	Okay. We have an ambulance coming. [OV]
	GH	Check for a pulse. [OV]
	DW	Bro, bro are you serious? You gonna just let him sit there with that on his neck.
	AF	[UI]
	GH	Check for a pulse. [OV]
20:25:51 (9:13)	GH	Let me see a pulse!
	DW	Is he breathing right now? [OV]
	AF	He's handcuffed! [OV]
	DW	Check his pulse!
20:25:56 (9:18)	TT	Alright [UI]. How long are we gonna have this conversation?
	DW	Check his pulse!
	TT	Okay.
20:25:57 (9:19)	DW	Check his pulse, Thao.
	GH	I'm telling you right now check his pulse [OV]
	TT	Alright.
	DW	Thao, check his pulse bro.
	TT	Yeah? Okay.
	DW	Thao, check his pulse, bro.



Thao knew that George Floyd had a serious medical need: GE 9 & 9A at 20:25:42 (Check for Pulse!)  
(Clip from 20:25:35 – 20:25:55)

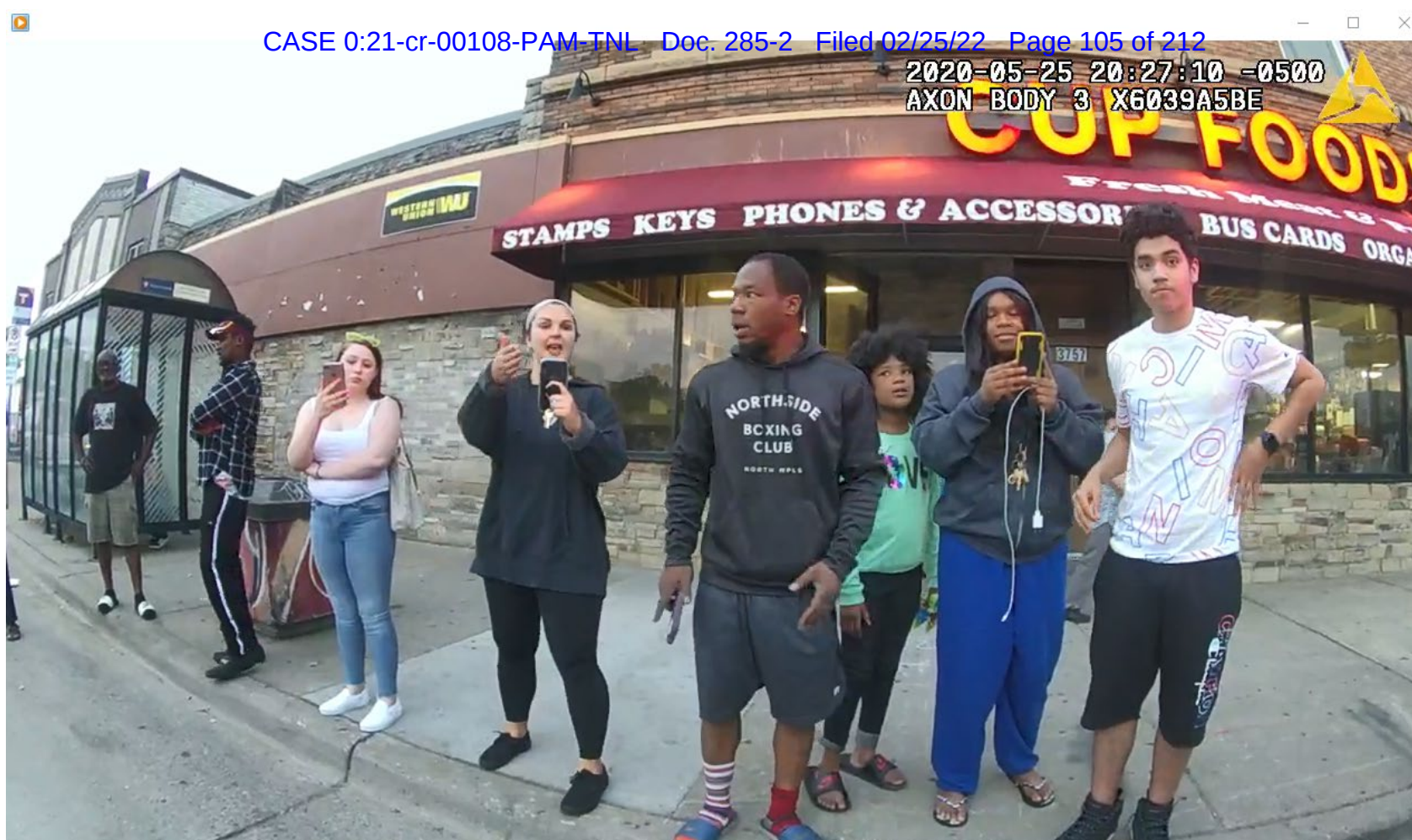


	DW	Check his pulse!
20:25:56 (9:18)	TT	Alright [UI]. How long are we gonna have this conversation?
	DW	Check his pulse!
	TT	Okay.
20:25:57 (9:19)	DW	Check his pulse, Thao.
	GH	I'm telling you right now check his pulse [OV]
	TT	Alright.
	DW	Thao, check his pulse bro.
	TT	Yeah? Okay.
	DW	Thao, check his pulse, bro.
	DF	Look at this dude.
	TT	Just we've got EMS coming. Alright.
	DW	Bro, check his pulse, bro. Bro, check his pulse. You bogus bro. You bogus. [OV]
20:26:04 (9:26)	TT	Don't—don't do drugs guys.
	DW	Don't do drugs bro?
	TT	Exactly.
	DW	What is that?!
	GH	Check his pulse right now. [OV]
20:26:07 (9:29)	DW	What do you think that is?!
	TT	Okay. Okay.
20:26:09 (9:31)	DW	So you call what he doin' okay?



Thao knew that George Floyd had a serious medical need: GE 9 & 9A at 20:25:42 (Don't do drugs) (Clip from 20:25:50 – 20:26:10)

2020-05-25 20:27:10 -0500  
AXON BODY 3 X6039A5BE



	GH	Do you have a pulse? [OV]
	DW	Bro you just got back out here bro. Bro you just got back out here bro. [OV]
	UM1	[vibrating noise] I've been watchin' it the whole time [U]I
20:27:08 (10:30)	TT	I'm busy tryin' to deal with you guy right now.
	GH	Okay, do they have pulse? [OV]

Thao knew that George Floyd had a serious medical need: GE 9 & 9A at 20:27:05-10 (Clip from 20:27:05 – 20:27:10) (Interacted with Bystanders)

## Count 3

2(b) Def Kueng knew that  
George Floyd had a serious  
medical need



2020-05-25 20:19:35 -0500  
AXON BODY 3 X6039A5AT



Kueng knew that George Floyd had a serious medical need: GE 7 at 20:19:35



20:19:58 (00:13:02)	TT	Is he high on something?
	GF	Oh.
	TL	I'm assuming so.
	GF	Oh.
20:21:00 (00:13:04)	JK	I believe so. We found a pipe on him. [OV]



Kueng knew that George Floyd had a serious medical need: GE 7 & 7A at 20:25:50-59 (TT asks if he's high on something. TL & JK both respond).

CLIP GE 9: 20:20:57 – 20:21:02



20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]

Kueng knew that George Floyd had a serious medical need: GE 7 & 7A at 20:24:48 (TL says he's passing out after AF says so beginning at 20:24:44).

CLIP GE 7: 20:24:40 – 20:24:50

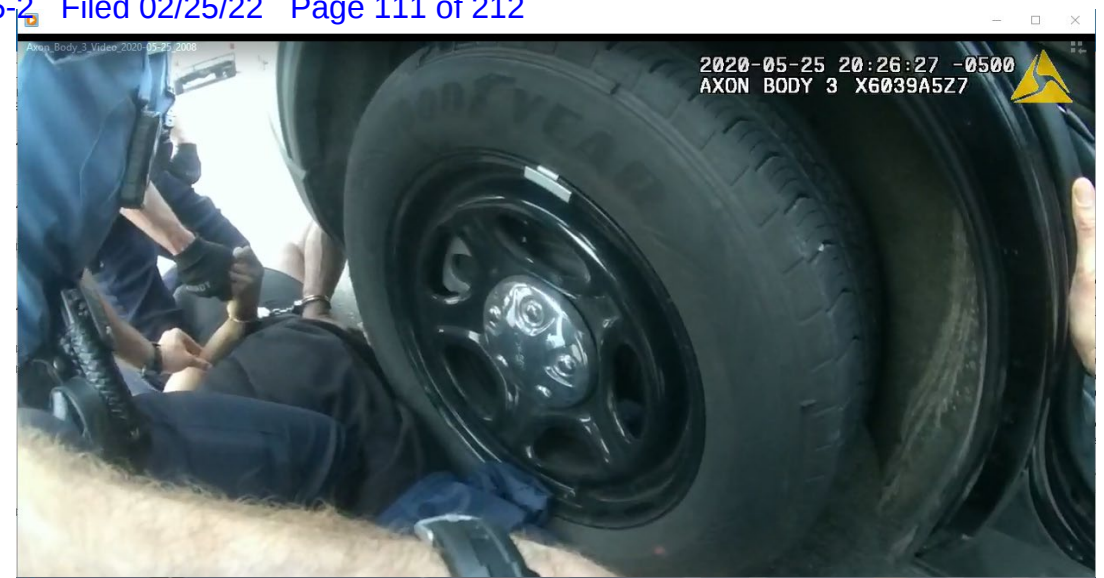
	GH	[UI] does he have a pulse?
	DW	No bro look at him! He's not responsive right now, bro!
	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]



Kueng knew that George Floyd had a serious medical need: GE 7 & 7A at 20:25:50-59 (Kueng can't find a pulse)

CLIP GE 7: 20:25:50 – 20:26:00

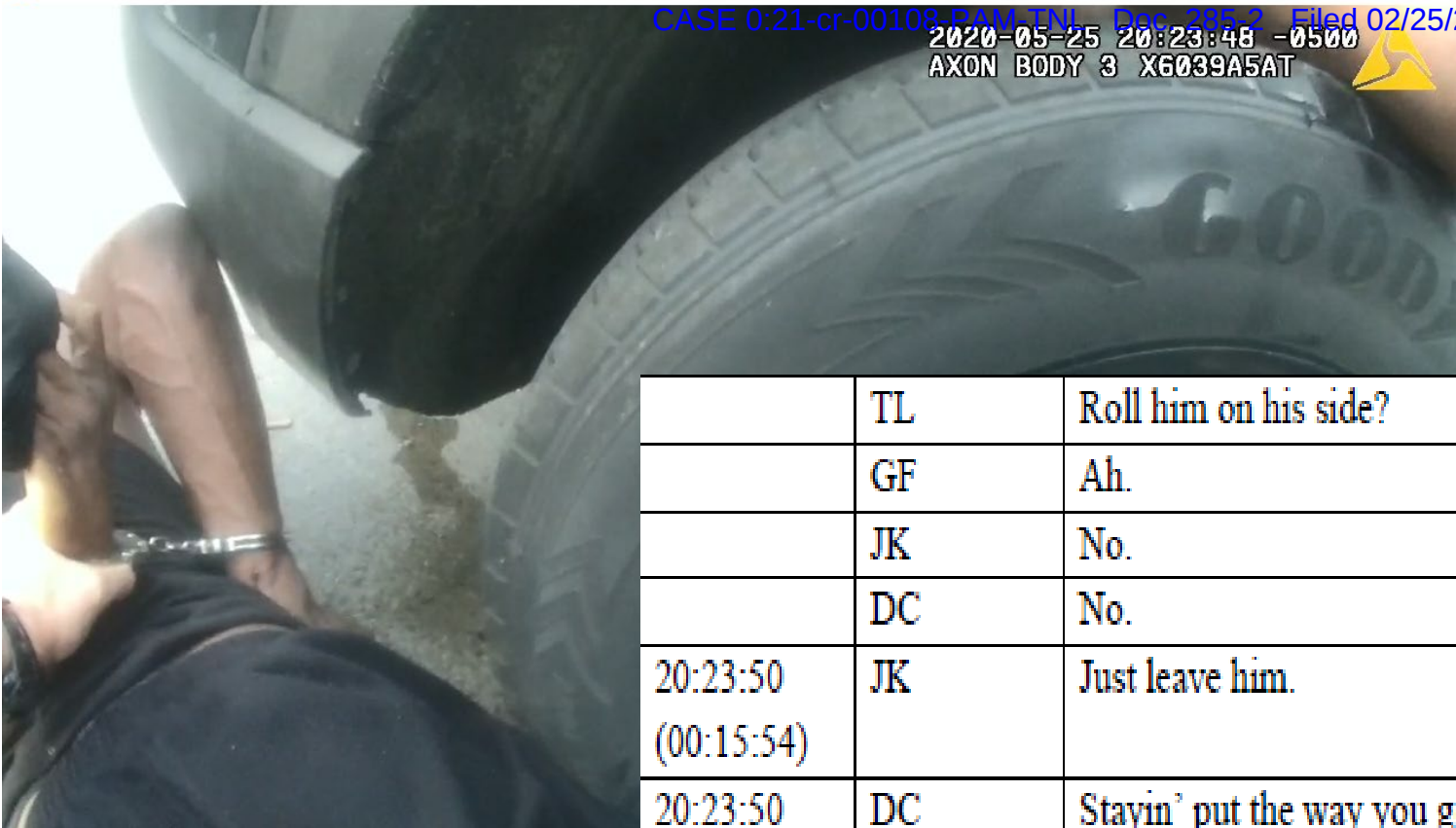




Kueng knew that George Floyd had a serious medical need: GE 5 & 7 Images after "passing out"  
Incl pulse checks

CLIP GE 7: 20:24:40 – 20:24:50



2020-05-25 20:23:48 -0500  
AXON BODY 3 X6039A5AT

	TL	Roll him on his side?
	GF	Ah.
	JK	No.
	DC	No.
20:23:50 (00:15:54)	JK	Just leave him.
20:23:50 (00:15:54)	DC	Stayin' put the way you got him.
	GF	Ah!
	TL	Okay

Kueng knew that George Floyd had a serious medical need : GE 7 & 7A at 20:23:48 (TL asked about rolling Mr. Floyd on his side)



20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]

Kueng knew that George Floyd had a serious medical need : GE 7 & 7A at 20:24:48 (TL says he's passing out after AF says so beginning at 20:24:44).

CLIP GE 7: 20:24:40 – 20:24:50

	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]
	DW	Thao, check his pulse, bro.
	DC	Huh?
	JK	Said I was checkin' for a pulse.
	DW	Bro, check his pulse. Bro you bogus bro! You bogus. Don't do drugs bro? What is that? What do you think that is? He so you call what he doin' okay? [radio]
	JK	I can't find one.



Kueng knew that George Floyd had a serious medical need: GE 7 & 7A at 20:25:43-59 (Kueng can't find a pulse).

CLIP GE : 20:25:40 – 20:26:00



	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]
	DW	Thao, check his pulse, bro.
	DC	Huh?
	JK	Said I was checkin' for a pulse.
	DW	Bro, check his pulse. Bro you bogus bro! You bogus. Don't do drugs bro? What is that? What do you think that is? He so you call what he doin' okay? [radio]
	JK	I can't find one.



Kueng knew that George Floyd had a serious medical need: GE 5 & 7A at 20:25:43-59 (Kueng again can't find a pulse after second pulse check).

CLIP GE 5: 20:25:50 – 20:26:27



## Count 3

2(b) Def Lane knew that George  
Floyd had a serious medical  
need



Def Lane knew that George Floyd had a serious medical need: GE 5 at 20:19:40 & 20:19:54 (Beginning with clear view of neck restraint).

CLIP GE 5: 20:19:35 – 20:19:55

20:19:58 (00:13:02)	TT	Is he high on something?
	GF	Oh.
	TL	I'm assuming so.
	GF	Oh.
20:21:00 (00:13:04)	JK	I believe so. We found a pipe on him. [OV]



Lane knew that George Floyd had a serious medical need: GE 7 & 7A at 20:25:50-59 (TT asks if he's high on something. TL & JK both respond).

CLIP GE 9: 20:20:57 – 20:21:02

2020-05-25 20:23:48 -0500  
AXON BODY 3 X6039A5AT

	TL	Roll him on his side?
	GF	Ah.
	JK	No.
	DC	No.
20:23:50 (00:15:54)	JK	Just leave him.
20:23:50 (00:15:54)	DC	Stayin' put the way you got him.
	GF	Ah!
	TL	Okay

Lane knew that George Floyd had a serious medical need: GE 7 & 7A at 20:23:48 (TL asked about rolling him on his side)





20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]

Lane knew that George Floyd had a serious medical need: GE 5/7 & 7A at 20:24:48 (TL says he's passing out after AF says so beginning at 20:24:44).

CLIP GE 7: 20:24:40 – 20:24:50; GE 5 at 20:24:40 – 20:24:50

2020-05-25 20:25:50 -0500  
AXON BODY 3 X6039A5Z7

20:25:39 (00:17:43)	TL	Should we roll him on his side?
	DW	He's not responsive right now! He's not responsive right now bro!
	GH	[UI] does he have a pulse?
	DW	No! Bro look at him he's not responsive right now bro.
	GH	Okay check for a pulse. Please. Check for his pulse.
20:25:49 (00:17:52)	DW	Bro are you seriously going to check with that on his neck?
	AF	(Yells)
	TL	You got one?

Lane knew that George Floyd had a serious medical need: GE 5 & 5A at 20:25:39 – 50 (TL asks about rolling Mr. Floyd on his side.)

Clip GE 5 GE 5 20:25:39 – 20:25:50

	GH	[UI] does he have a pulse?
	DW	No bro look at him! He's not responsive right now, bro!
	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]



Lane knew that George Floyd had a serious medical need : GE 7 & 7A at 20:25:50-59 (Kueng says he can't find a pulse).

CLIP GE 5: 20:25:40 – 20:26:00





Lane knew that George Floyd had a serious medical need: GE 5 at 20:26:27 & 20:27:20 (Kueng again says he can't find a pulse ).

CLIP GE 5: 20:26:25 – 20:27:20



## Count 3

2(c) Thao disregarded that medical need by failing to take reasonable measures to address it



	TT	What are you- what are you on?
20:21:53 (5:15)	GF	I can't breathe! Please, the knee on my neck. I can't breathe shit. Uh ah.

Thao failed to take reasonable measures: GE 9 & GE 9A at 20:21:48 – 20:22:00

Clip 20:21:50 – 20:22:00.

8:22



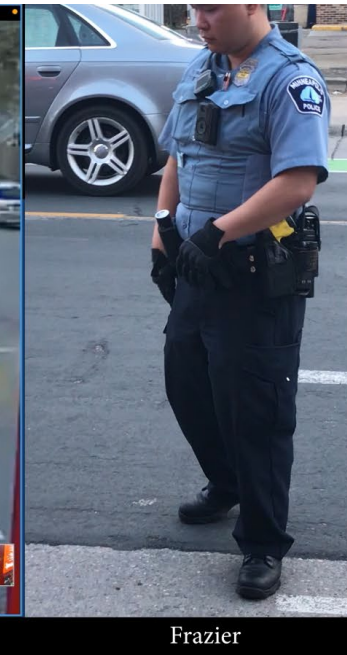
8:23



Thao failed to take reasonable measures: GE 9 & GE 9A at 20:21:48 – 20:22:00

Clip 20:21:50 – 20:22:00.





8:24

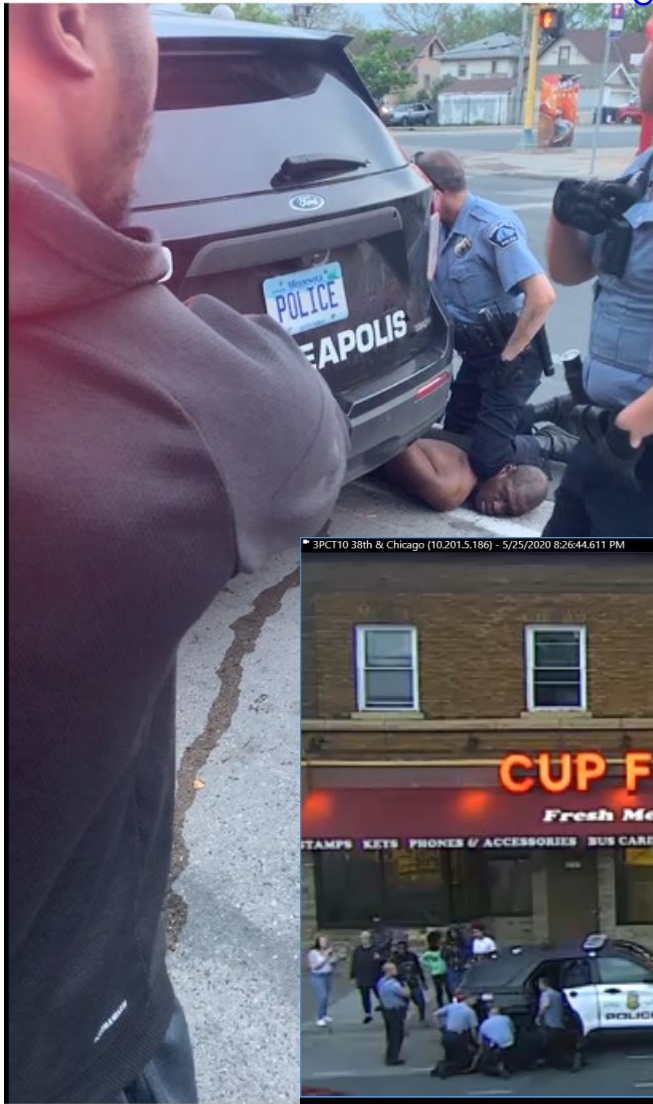


8:25

Thao failed to take reasonable measures: GE 9 & GE 9A at 20:21:48 – 20:22:00

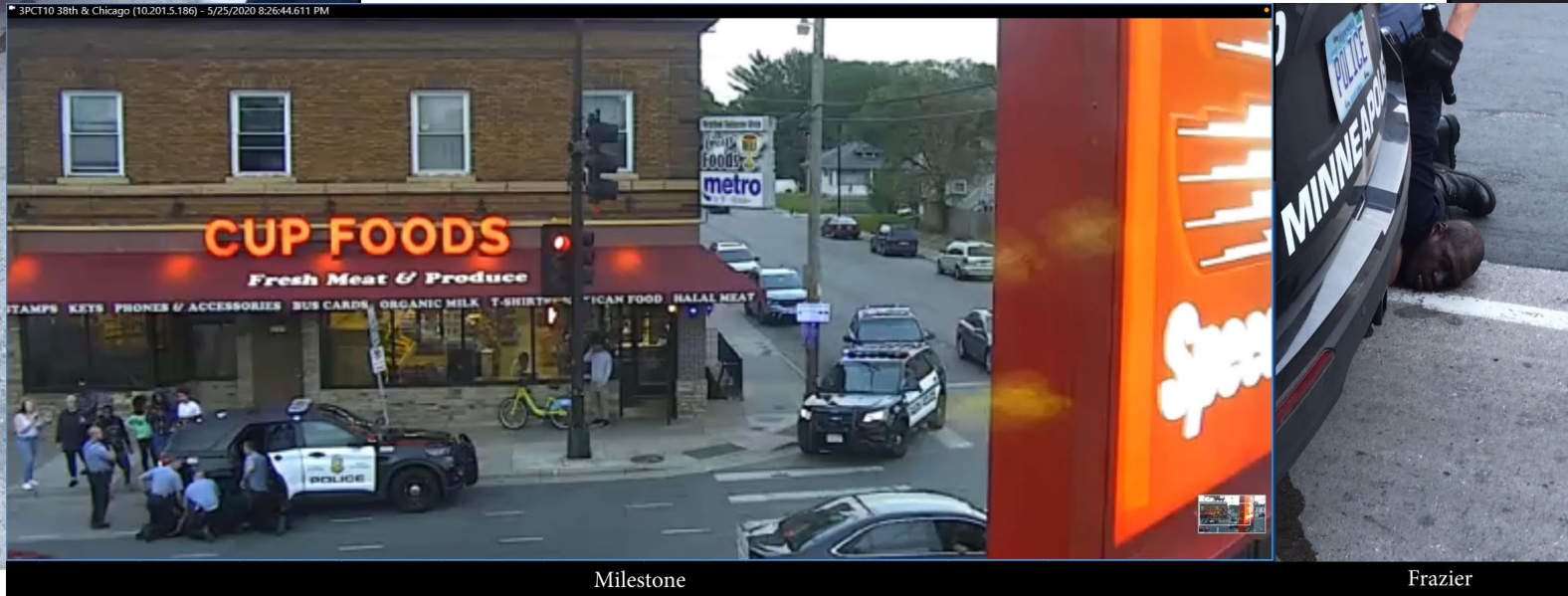
Clip 20:21:50 – 20:22:00.





8:26:44

8:27:45



GE 19 (Hanson) at 2:59

GE 20 (Funari) at 1:52

Thao failed to take reasonable measures: GE 21 at 20:26:44; GE 19 at 2:59

Clip GE 21 20:26:40 – 20:26:50

20 Q. And based on your review of the video evidence in this  
21 case, what, if any, medical care did you see any officer  
22 provide to George Floyd before Mr. Floyd was loaded into the  
23 ambulance?

24 A. I did not see any.

Thao failed to take reasonable measures: Tr. at 1709 (Dr. Systrom testimony)

6       Q.   In your review of the video, what medical intervention,  
7       if any, was offered to Mr. Floyd before he was placed in the  
8       ambulance?

9       A.   None.

Thao failed to take reasonable measures: Tr. at 2173 (Dr. Bebarta testimony)



21 Q. All right. Now, beginning with Mr. Thao, do you have an  
22 opinion as to whether Mr. Thao's conduct was consistent or  
23 inconsistent with the duty to provide medical aid?

24 A. I think it was inconsistent as well.

25 Q. Why is that?

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[2/14/2022] 2022-02-14\_21cr108 Vol XV

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2829

1 A. Because he didn't do anything.

Thao failed to take reasonable measures: Tr. at 2828-29 (Chief Longo testimony)

## Count 3

2(c) Kueng disregarded that medical need by failing to take reasonable measures to address it

	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]
	DW	Thao, check his pulse, bro.
	DC	Huh?
	JK	Said I was checkin' for a pulse.
	DW	Bro, check his pulse. Bro you bogus bro! You bogus. Don't do drugs bro? What is that? What do you think that is? He so you call what he doin' okay? [radio]
	JK	I can't find one.



Def Kueng failed to take reasonable measures: GE 7

CLIP GE 7: 20:25:40 – 20:26:00



	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]
	DW	Thao, check his pulse, bro.
	DC	Huh?
	JK	Said I was checkin' for a pulse.
	DW	Bro, check his pulse. Bro you bogus bro! You bogus. Don't do drugs bro? What is that? What do you think that is? He so you call what he doin' okay? [radio]
	JK	I can't find one.



Kueng failed to take reasonable measures: GE 5

CLIP GE 5: 20:25:50 – 20:26:27



Kueng failed to take reasonable measures: GE 5

20 Q. And based on your review of the video evidence in this  
21 case, what, if any, medical care did you see any officer  
22 provide to George Floyd before Mr. Floyd was loaded into the  
23 ambulance?

24 A. I did not see any.

Kueng failed to take reasonable measures: Tr. at 1709 (Dr. Systrom testimony)

6       Q.   In your review of the video, what medical intervention,  
7       if any, was offered to Mr. Floyd before he was placed in the  
8       ambulance?

9       A.   None.

Kueng failed to take reasonable measures: Tr. at 2173 (Dr. Bebarta testimony)



5 Q. The clip that we've discussed or that we've watched thus  
6 far up to this 20:22 and 30 seconds, is what you've seen and  
7 heard consistent or inconsistent with MPD policies and  
8 medical training at least with regard to Mr. Kueng?

9 A. Inconsistent.

10 Q. Why?

11 A. Because once you're gaining compliance of that person  
12 putting them on to their side, if he's articulating that  
13 he's having trouble breathing, then you need to fix that.

Kueng failed to take reasonable measures: Tr. at 1896 (Ofc. MacKenzie testimony)

10 Q. And what is your opinion about whether Mr. Kueng's  
11 conduct was consistent or inconsistent with the duty to  
12 provide medical aid?

13 A. I think it was contrary to generally accepted policing  
14 practices.

15 Q. Why is that?

16 A. Again, because he did not take any steps to -- other  
17 than to check pulse, which is not rendering medical aid,  
18 it's part of the assessment process, other than that, he  
19 didn't take any other steps to provide any type of medical  
20 attention to Mr. Floyd.

Kueng failed to take reasonable measures: Tr. at 2829 (Chief Longo testimony)

## Count 3

2(c) Lane disregarded that medical need by failing to take reasonable measures to address it



	TT	What are you- what are you on?
20:21:53 (5:15)	GF	I can't breathe! Please, the knee on my neck. I can't breathe shit. Uh ah.

Lane failed to take reasonable measures: GE 9 & GE 9A at 20:21:48 – 20:22:00

Clip 20:21:50 – 20:22:00.





Lane failed to take reasonable measures: GE 5

CLIP GE 5: 20:26:25 – 20:27:20

20 Q. And based on your review of the video evidence in this  
21 case, what, if any, medical care did you see any officer  
22 provide to George Floyd before Mr. Floyd was loaded into the  
23 ambulance?

24 A. I did not see any.

Lane failed to take reasonable measures: Tr. at 1709 (Dr. Systrom testimony)

6       Q.   In your review of the video, what medical intervention,  
7       if any, was offered to Mr. Floyd before he was placed in the  
8       ambulance?

9       A.   None.

Lane failed to take reasonable measures: Tr. at 2173 (Dr. Bebarta testimony)

22 Q. I wanted to ask you a question about pulse checks. On

23 its own, are, is providing a pulse medical assistance?

24 A. It's an assessment.

25 Q. And what do you mean by that?

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[2/8/2022] 2022-02-08\_21cr108 Vol XI

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1906

1 A. Similar -- because that doesn't mean you're actually

2 rendering any sort of aid. That's just an assessment piece.

Lane failed to take reasonable measures: Tr. at 1905-06 (Ofc. MacKenzie testimony)



17 Q. Did you see -- what, if anything, did you see Mr. Lane  
18 do that was inconsistent with policy and training when  
19 Mr. Floyd was on the ground?

20 MR. GRAY: Same objection.

21 THE COURT: Overruled.

22 THE WITNESS: Well, he didn't follow our policy  
23 and our procedure by intervening, you know, to render first  
24 aid. He didn't put Mr. Floyd in a recovery position.  
25 Mr. Floyd was handcuffed by him and his partner, and they

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[2/10/2022] 2022-02-10\_21cr108 Vol XIII

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2532

1 should have taken care of the person they had in custody and  
2 it's that simple.

Lane failed to take reasonable measures: Tr. at 2531-32 (Lt. Zimmerman testimony)

6       Q.   What, if anything, did Mr. Lane do to provide aid to  
7       Mr. Floyd when he was on the ground?  
8       A.   Nothing.

Lane failed to take reasonable measures: Tr. at 2531 (Lt. Zimmerman testimony)

5 Q. What is your opinion about whether Mr. Lane's conduct  
6 was consistent or inconsistent with the duty to provide  
7 medical aid?

8 A. Contrary to generally accepted policing practices.

9 Q. And why is that?

10 A. For the same reasons. Officer Lane took no steps to  
11 provide medical care while Mr. --

12 MR. GRAY: Objection. [Inaudible]. Move it be  
13 stricken.

14 COURT REPORTER: Could you repeat that?

15 THE COURT: It's overruled.

Lane failed to take reasonable measures: Tr. at 2830 (Chief Longo testimony)

7 Q. Okay. And providing care prior to that, you testified  
8 that the paramedic checking his carotid artery to see if he  
9 had a pulse was also providing care?

10 A. That's actually assessing for a pulse, not providing  
11 care.

Lane failed to take reasonable measures: Tr. at 2278 (Dr. Bebarta testimony on cross-examination)



4                   THE WITNESS: Well, suggesting rendering aid and  
5 actually rendering aid are two very different things.

6 BY MR. SLAUGHTER:

7 Q. So what do you mean by that?

8 A. Just merely offering a suggestion will not pump blood  
9 throughout your system.

Lane failed to take reasonable measures: Tr. at 2052 (Ofc. MacKenzie testimony))

3 Q. And is there any decline in chances of resuscitation  
4 that can be measured minute by minute after cardiac arrest?

5 A. About a ten percent fall per minute.

6 Q. A ten percent fall in chances of survival?

7 A. Yes.

8 Q. About how long did you observe Mr. Floyd being  
9 restrained following the onset of his cardiac arrest?

10 A. About three minutes.

Lane failed to take reasonable measures: Tr. at 1708 (Dr. Systrom testimony)

12 Q. And I think you -- well, I want to make sure I've asked  
13 you. What are officers trained to do if they're unsure  
14 after taking a pulse whether or not a person has a pulse?

15 A. If they're unsure, they can ask somebody else to check a  
16 pulse, but if they're not getting that pulse within ten  
17 seconds, then you immediately begin CPR.

Lane failed to take reasonable measures: Tr. at 1838 (Ofc. MacKenzie testimony)

## Count 3

3. Def Thao committed the acts  
or omissions willfully





	TT	What are you- what are you on?
20:21:53 (5:15)	GF	I can't breathe! Please, the knee on my neck. I can't breathe shit. Uh ah.

Def Thao's failure to take reasonable measures was willful: GE 9 & GE 9A at 20:21:48 – 20:22:00

Clip 20:21:50 – 20:22:00.



Milestone



Frazier

8:25:04



Milestone



Frazier

8:25:07

Thao's failure to take reasonable measures was willful: GE 9 & GE 21 at 20:24:04 & 07 (TT facing and has full perspective of neck restraint)

Clip GE 21 at 20:24:55 – 20:25:10 (Clear observation of medical condition after several minutes of observation)




**ELECTRONIC VERSION OF THE MPD  
POLICY & PROCEDURE MANUAL**

I understand that I am accountable for knowing and abiding by all policies and procedures contained within the Minneapolis Police Department Policy and Procedure Manual and that I will be held accountable for abiding by the policies and procedures contained therein.

I have read the instructions and understand how to access the online electronic version of the Minneapolis Police Department Policy and Procedure Manual.

*\*\*If you do not understand how to access the online manual, see your immediate supervisor for training until you are able to successfully access the online manual.\*\**

NAME: TOU THAO  
(Please print)

SIGNED: 

BADGE/EMPLOYEE #: 007162

DATE: 1-17-2012

**SIGNATURE AND RETURN OF THIS RECEIPT IS MANDATORY**

Thao's failure to take reasonable measures was willful: GE 58

## II. POLICY

- A. MPD employees shall request emergency medical services (EMS) as soon as practical if any employee has come into contact with an individual having an acute medical crisis and any delay in treatment could potentially aggravate the severity of the medical crisis, or as otherwise required by policy.
  - 1. While awaiting EMS, MPD employees assisting an individual having an acute medical crisis shall provide any necessary first aid consistent with MPD training, as soon as practical.

Thao's failure to take reasonable measures was willful: GE 48



## **5-306 USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS (08/17/07)**

Any sworn MPD employee who uses force shall comply with the following requirements:

**Medical Assistance:** As soon as reasonably practical, determine if anyone was injured and render medical aid consistent with training and request Emergency Medical Service (EMS) if necessary.

Thao's failure to take reasonable measures was willful: GE 46

**Side Recovery Position:** Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing.

Thao's failure to take reasonable measures was willful: GE 46 at 5-316 III (definitions)

WorkForce Director


Page 1 of 6

**Training Records****Training History for:** Tou Thao**Employee Id:** 007162**Total Continued Education Credits:** 1014.0**Total Instructor Credits:** 0.0

(Add training that are not associated with an existing Event/TimeSlot)

		Course	Start Date	End Date	Grade	Continued Education Credits	Instructor Credits	Make	Model	Serial #	Commer
Edit	Delete	2020 Annual Semi-Automatic Handgun and Gas Mask Fit Testing, January - February, Multiple dates	2/6/2020	2/6/2020	PASS	1.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase III, September - December 2019	12/3/2019	12/3/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase III, September - December 2019	12/2/2019	12/2/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase II, (Apr-Aug/Sep 25-26)	6/13/2019	6/13/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase II, (Apr-Aug/Sep 25-26)	6/12/2019	6/12/2019	Not Applicable	7.00					

Thao's failure to take reasonable measures was willful: GE 59

HEALTHCARE PROVIDER		HEALTHCARE PROVIDER	
<div style="text-align: center;">  <p><b>American Heart Association</b></p> </div>	<div style="text-align: center;"> <h1>Healthcare Provider</h1> </div>		
	<div style="text-align: center;"> <p><b>Tou Thao</b></p> </div>		
	<p>This card certifies that the above individual has successfully completed the cognitive and skills evaluations in accordance with the curriculum of the American Heart Association BLS for Healthcare Providers (CPR and AED) Program.</p>		
	<p><b>02/2012</b></p> <p>Issue Date</p>	<p><b>02/2014</b></p> <p>Recommended Renewal Date</p>	
<p>Training Center Name</p> <p><b>HCMC EMS Education</b></p>		<p>TC ID #</p> <p><b>MN03782</b></p>	
<p>TC Info</p> <p><b>Hennepin County Medical Center</b></p>		<p>TC Info</p> <p><b>Minneapolis, MN 55415 - 612-873-9147</b></p>	
<p>Course Location</p> <p><b>Minneapolis Police Department</b></p>		<p>Instructor Name</p> <p><b>Robert Snyder</b></p>	
<p>Holder's Signature</p>		<p>Inst. ID #</p> <p><b>04112382259</b></p>	
<p>© 2011 American Heart Association Tampering with this card will alter its appearance. 90-1801</p>			

This card contains unique security features to protect against forgery.

90-1801 3/11

Thao's failure to take reasonable measures was willful: GE 60



WorkForce Director

Page 1 of 6

**Training Records****Training History for:** Tou Thao**Employee Id:** 007162**Total Continued Education Credits:** 1014.0**Total Instructor Credits:** 0.0

(Add training that are not associated with an existing Event/TimeSlot)

		Course	Start Date	End Date	Grade	Continued Education Credits	Instructor Credits	Make	Model	Serial #	Commer
Edit	Delete	2020 Annual Semi-Automatic Handgun and Gas Mask Fit Testing, January - February, Multiple dates	2/6/2020	2/6/2020	PASS	1.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase III, September - December 2019	12/3/2019	12/3/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase III, September - December 2019	12/2/2019	12/2/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase II, (Apr-Aug/Sep 25-26)	6/13/2019	6/13/2019	Not Applicable	7.00					
Edit	Delete	2019 Annual In-Service Training Program, Phase II, (Apr-Aug/Sep 25-26)	6/12/2019	6/12/2019	Not Applicable	7.00					

Thao's failure to take reasonable measures was willful: GE 59

## Maximal Restraint Technique (5-316)

### Definitions


- Hobble Restraint Device
  - "RIPP Hobble" used to limit movement by tethering legs together
- Maximal Restraint Technique (MRT)
  - Securing feet to waist to prevent movement
  - Limits property damage or injury to self/others
- Prone Position
  - Subject face down
- Side Recovery Position
  - Subject on side while in restraints; reduces chest pressure & helps breathing



## MRT - Safety

- Side Recovery Position ASAP
- No Prone Transport

Thao's failure to take reasonable measures was willful: GE 61 and 63 (same at 53310, 53325)

MINNEAPOLIS POLICE DEPARTMENT BY ORDER OF THE CHIEF OF POLICE			
<b>ADMINISTRATIVE ANNOUNCEMENT</b>			
DATE ISSUED: <b>April 23, 2012</b>	DATE EFFECTIVE: <b>April 23, 2012</b>	NUMBER: <b>AA12-011</b>	PAGE: <b>1 of 1</b>
ISSUED BY <b>Lt. Todd Gross Director of Training</b>		ASSIGNMENT/LOCATION: <b>MPD Training Unit</b>	
TO: <b>Minneapolis Police Department</b>			RETENTION DATE: <b>Until Rescinded</b>
SUBJECT: <b>Positional Asphyxiation training video</b>			APPROVED BY: <b>TG</b>

MP-3407

A training video on Positional Asphyxiation has been posted on the MPD Training unit website for officers to review. This video serves as a reminder that whenever a subject is restrained, there is a direct correlation between their ability to breathe and the position their body is in.

Supervisors: Please show this video at roll call.

The video can be found on the MPD Training Unit webpage or by CTRL+clicking the following link: [Positional Asphyxia training video](#)

Thao's failure to take reasonable measures was willful: GE 75

Positional Asphyxia video: GE 76



## Chain of Survival

01

Recognize  
Cardiac  
Arrest

02

Provide  
CPR

03

Early  
Defibrillation (AED)

04

EMS

05

Hospital

US001

00043092

Thao's failure to take reasonable measures was willful: GE 86



# ADULT CPR

- ♦ AIRWAY- Open with Head Tilt Chin Lift
- ♦ BREATHING- Check for breathing or Agonal respirations (anything not normal)
- ♦ CIRCULATION- Check for a Carotid Pulse
- ♦ If NO Pulse, request Rescue and Ambulance
  - ♦ START CPR



US001

00043098

Thao's failure to take reasonable measures was willful: GE 86

## Count 3

3. Def Kueng committed the acts or omissions willfully

20:20:58 (00:13:02)	TF	Is he high on something?
	GF	Oh.
	TL	I'm assuming so.
	GF	Oh.
20:21:00 (00:13:04)	JK	I believe so. We found a pipe on him. [OV]



Kueng's failure to take reasonable measures was willful.

CLIP GE 9: 20:20:57 – 20:21:02



20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]

Kueng's failure to take reasonable measures was willful: GE 7 & 7A at 20:24:48.

CLIP GE 7: 20:24:40 – 20:24:50



	GH	[UI] does he have a pulse?
	DW	No bro look at him! He's not responsive right now, bro!
	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]



Kueng's failure to take reasonable measures was willful: GE 7 & 7A at 20:25:50-59 (Kueng can't find a pulse)

CLIP GE 7: 20:25:50 – 20:26:00

**ELECTRONIC VERSION OF THE MPD  
POLICY & PROCEDURE MANUAL**

I understand that I am accountable for knowing and abiding by all policies and procedures contained within the Minneapolis Police Department Policy and Procedure Manual and that I will be held accountable for abiding by the policies and procedures contained therein.

I have read the instructions and understand how to access the online electronic version of the Minneapolis Police Department Policy and Procedure Manual.

*\*\*If you do not understand how to access the online manual, see your immediate supervisor for training until you are able to successfully access the online manual.\*\**

NAME: J. Alexander Kueng  
(Please print)

SIGNED: J. Kueng

BADGE/EMPLOYEE #: 3897

DATE: 2/7/2019

**SIGNATURE AND RETURN OF THIS RECEIPT IS MANDATORY**

Kueng's failure to take reasonable measures was willful: GE 66

## II. POLICY

- A. MPD employees shall request emergency medical services (EMS) as soon as practical if any employee has come into contact with an individual having an acute medical crisis and any delay in treatment could potentially aggravate the severity of the medical crisis, or as otherwise required by policy.
  - 1. While awaiting EMS, MPD employees assisting an individual having an acute medical crisis shall provide any necessary first aid consistent with MPD training, as soon as practical.

Kueng's failure to take reasonable measures was willful: GE 48

## **5-306            USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS (08/17/07)**

Any sworn MPD employee who uses force shall comply with the following requirements:

**Medical Assistance:** As soon as reasonably practical, determine if anyone was injured and render medical aid consistent with training and request Emergency Medical Service (EMS) if necessary.

Kueng's failure to take reasonable measures was willful: GE 46



**Side Recovery Position:** Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing.

Kueng's failure to take reasonable measures was willful: GE 46 at 5-316 III (definitions)

### Training Records

Training History for: J Kueng

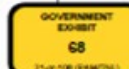
Employee Id: 003897

Total Continued Education Credits: 30.0

Total Instructor Credits: 0.0

(Add training that are not associated with an existing Event/TimeSlot)

		Course	Start Date	End Date	Grade	Continued Education Credits	Instructor Credits	Make	Model	Serial #	Comment
Edit	Delete	2020 Annual In-Service Training Program, Phase I, January - April, Multiple Dates	2/11/2020	2/11/2020	Not Applicable	7.00					
Edit	Delete	2020 Annual In-Service Training Program, Phase I, January - April, Multiple Dates	2/10/2020	2/10/2020	Not Applicable	7.00					
Edit	Delete	2020 Annual Semi-Automatic Handgun and Gas Mask Fit Testing, January - February, Multiple dates	1/14/2020	1/14/2020	PASS	1.00					
Edit	Delete	2019 X-CEL Energy Active Shooter Exercise, December 14, 2019	12/14/2019	12/14/2019	Not Applicable	7.00					
Edit	Delete	2019 Procedural Justice III for Cadets (Dec 12)	12/12/2019	12/12/2019	Not Applicable	0.00					***Academy Course
Edit	Delete	2019 SPST Training Program for Cadets (Nov 04-05)	11/4/2019	11/5/2019	Not Applicable	0.00					***Academy Course
Edit	Delete	2019 Introduction to PIMS for Cadets (Aug 19-22)	8/19/2019	8/22/2019	Not Applicable	0.00					**Academy Course
Edit	Delete	2018 PIMS Basic Training-	5/22/2018	5/22/2018	Not Applicable	8.00					



Kueng's failure to take reasonable measures was willful: GE 68

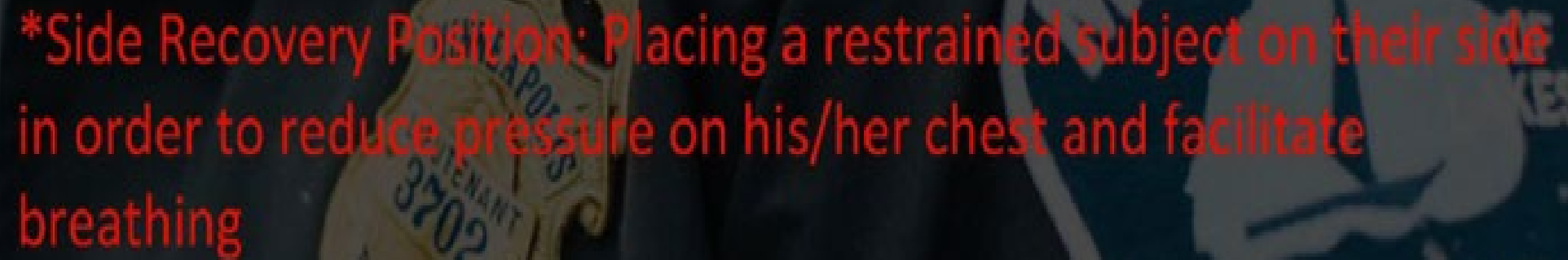
- 174
- D. Pinch the trapezius muscle to elicit a response.
27. If you are unable to feel a carotid pulse in an unconscious, nonbreathing adult within 5 to 10 seconds, you should:
- A. Begin cardiopulmonary resuscitation (CPR) at once.
  - B. Look for and control severe external bleeding.
  - C. Locate the radial pulse and assess it for up to 10 seconds.
  - D. Provide rescue breathing, and reassess for a pulse in 2 minutes.
- 175
28. The down arrow points to the correct answer.

Kueng's failure to take reasonable measures was willful: GE 85 at 1892

- 42
5. While functioning at the scene of a patient in cardiac arrest, you do not initiate cardiopulmonary resuscitation (CPR) because the patient is elderly and you think that he is probably dead. Paramedics arrive and determine that the patient has only been in cardiac arrest for 6 minutes. Which of the following statements regarding this scenario is correct?
- A. As an EMR, you did not have a legal duty to begin CPR.
  - B. The patient would most likely not be able to be resuscitated.
  - C. Your actions are consistent with the responsibilities of an LER.
  - ☒ D. You may be held liable for failure to follow the standard of care.

Kueng's failure to take reasonable measures was willful: GE 85 at 1889





\*Side Recovery Position: Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing

Kueng's failure to take reasonable measures was willful: GE 73 at 1231

**Test of Proportionality**

• Neck Restraints (conscious or unconscious applications) shall only be used against subjects when lower force options either:

- Have failed,
- Will likely fail, or
- Are too dangerous to attempt

• Neck Restraints shall not be used against persons who are only displaying Passive Resistance as defined by policy. **Test of Proportionality**

- If unconsciousness occurred, request EMS immediately by radio
- Loosen clothing & jewelry around the SUB's neck area
- Check airway & breathing – start CPR if needed

After a Neck Restraint has been applied, you shall keep them under close observation until they are released to medical or other law enforcement personnel.

**Transfer of Custody**

- Prior to transferring custody of a subject that force was used upon, you shall verbally notify the receiving agency or employee of:
    - The type of force used,
    - Any injuries sustained (*real or alleged*) and
- 

Kueng's failure to take reasonable measures was willful: GE 74

**Prone Position:** For purposes of this policy, the term Prone Position means to lay a restrained subject face down on their chest.

**Side Recovery Position:** Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing.

Kueng's failure to take reasonable measures was willful: GE 74

## Ok they are in handcuffs now what.

- Sudden cardiac arrest typically occurs immediately following a violent struggle
- Place the subject in the recovery position to alleviate positional asphyxia
- Once in handcuffs, get EMS on scene quickly to monitor and transport
- Sign a transport hold on these individuals
- Complete a CIC report



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Kueng's failure to take reasonable measures was willful: GE 87



bandage. **E.** Trauma bandage. **F.** Hemostatic agent.

### Recovery Position

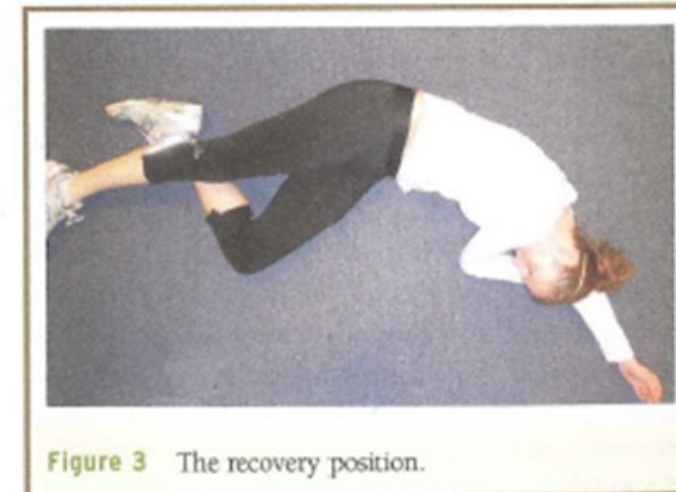
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The recovery position is not recommended in cases where a patient has possibly sustained an injury to any level of the spine. Moving such patients may result in further insult to the spinal cord. In such instances, the LER may need to defer any positioning to emergency personnel trained in spinal immobilization.

### MEDICAL LOGISTICAL SUPPORT

#### Communication

A basic tenet of real estate is "location, location, location." This is also true of police work. Most officers, after graduating from the police academy, will go to field training under a more experienced officer. Knowing your location at all times is



**Figure 3** The recovery position.

Kueng's failure to take reasonable measures was willful: GE 83 at 5

## Ethical and Legal Considerations

### ETHICS

LERs are bound by ethical and legal duties to provide care. Ethics are the standards that societies, organizations, and professions establish to define expectations for members of that group. They broadly define right from wrong and create expectations of appropriate behavior. Laws, regulations, and policies are used to define ethical behavior more clearly and to impose sanctions for wrongful actions. Applied ethics is the use of these ethical values. All persons are governed by their own morals, that is, their personal sense of right and wrong. LERs need to internalize the ethical guidelines established by their professional group and use them as the foundation

for making decisions relative to integrity. Common decision-making models promote the foundations of doing no harm to the patient, acting in good faith, and performing your duties in the patient's best interest.

LERs should work to maintain the trust of those they serve. Providing impartial aid, honest answers, and professional conduct leads to public acceptance. Examples of general unethical behavior include falsifying documentation, lying or misrepresenting information to patients or coworkers, routinely arriving late to assignments, and avoiding duties and responsibilities that impose additional demands on coworkers. A LER is held in high esteem by the public. Poor ethical

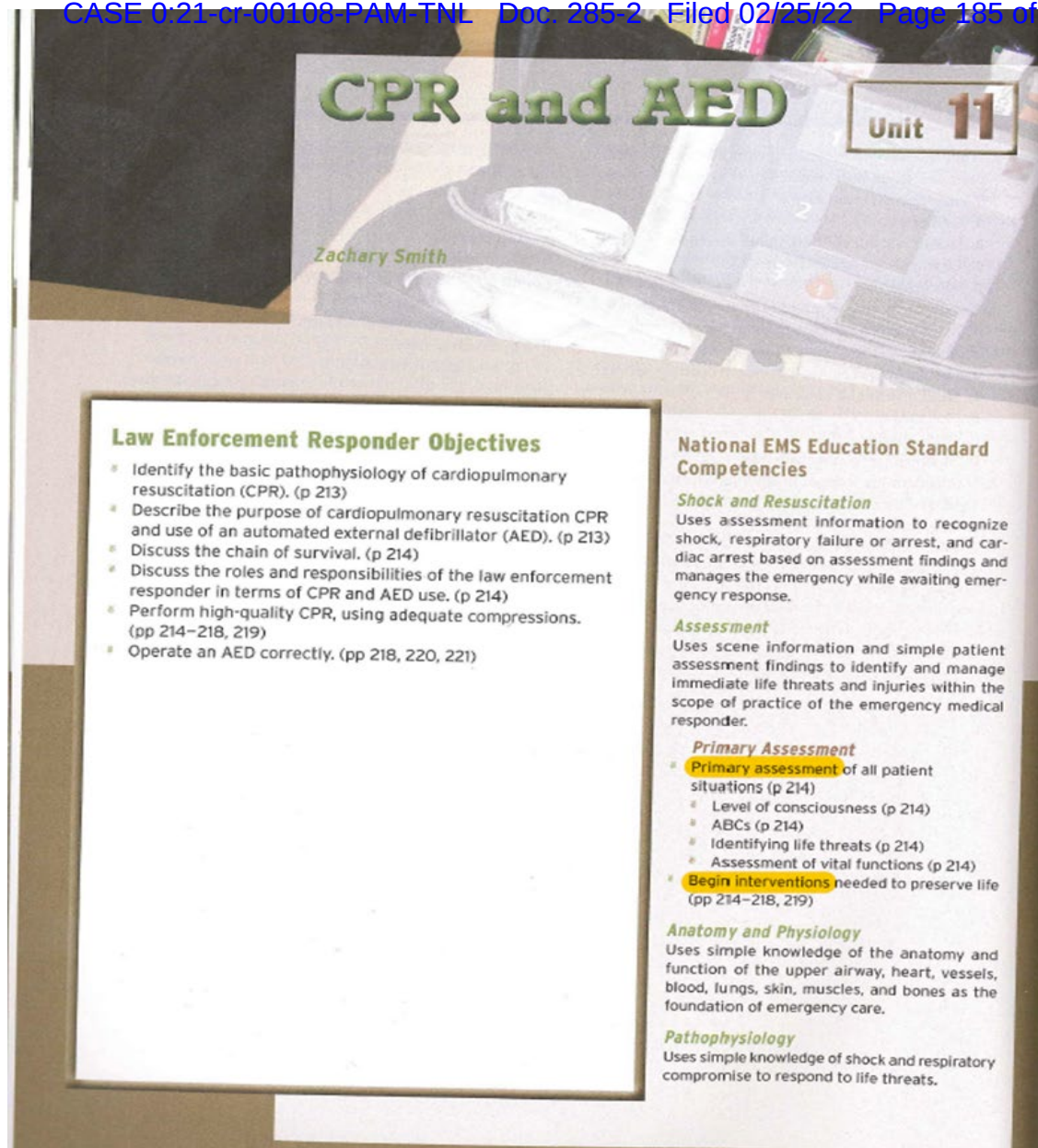
Kueng's failure to take reasonable measures was willful: GE 83 at 40

## DUTY TO ACT

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A duty to act arises when a responder becomes responsible to the public for rendering aid during a medical emergency. This duty to act is an implied social contract between the person rendering aid and others in society. Police officers, fire fighters, and EMS personnel generally have a duty to provide care because their job includes the provision of emergency medical care within the community (Figure 6). When called to assist someone needing medical care, emergency responders are expected to act in a manner consistent with the standard of care. LERs should clarify their agencies' and states' stance relative to their assignment. In some cases, the duty to act may conflict with protection, surveillance, or other law enforcement duties.

Kueng's failure to take reasonable measures was willful: GE 83 at 41



Kueng's failure to take reasonable measures was willful: GE 83





MINNEAPOLIS POLICE DEPARTMENT  
OPERATIONS SECTION

NUMBER:

5-100

DATE:

18 JUNE 2018

## 5-101.01 TRUTHFULNESS (01/26/05) (11/15/13)

The integrity of police service is based on truthfulness. Officers shall not willfully or knowingly make an untruthful statement, verbally or written, **or knowingly omit pertinent information** pertaining to his/her official duty as a Minneapolis Police Officer.

The conduct of police officers is governed by the MPD Policy and Procedure Manual and applicable State and Federal law. All employees of the Minneapolis Police Department are required to maintain a working knowledge of and to obey the code of conduct, civil service rules.

MPD employees shall not willfully or knowingly make an untruthful statement **or knowingly omit pertinent information** in the presence of **any supervisor**, intended for the information of any supervisor, or before any court or hearing. Officers shall not make any false statements to justify a criminal or traffic charge or seek to unlawfully influence the outcome of any investigation. (12/14/07)

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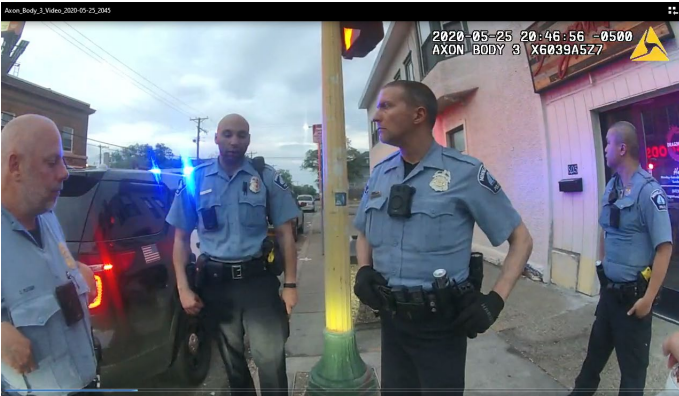
These requirements apply to **any report, whether verbal or written**, concerning official MPD business including, but not limited to, written reports, transmissions to MECC and officers via radio, telephone, pager, e-mail or MDC.

BUSINESS (12/14/07)

GOVERNMENT  
EXHIBIT

45

21-cr-108 (PAM/TNL)



## 5-101.01 TRUTHFULNESS (01/26/05) (11/15/13)

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BUSINESS (12/14/07)







MINNEAPOLIS POLICE DEPARTMENT  
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BUSINESS (12/14/07)

GOVERNMENT  
EXHIBIT

45

21-cr-108 (PAM/TNL)

## Count 3

3. Def Lane committed the acts  
or omissions willfully



20:19:58 (00:13:02)	TF	Is he high on something?
	GF	Oh.
	TL	I'm assuming so.
	GF	Oh.
20:21:00 (00:13:04)	JK	I believe so. We found a pipe on him. [OV]



Lane's failure to take reasonable measures was willful.

CLIP GE 9: 20:20:57 – 20:21:02



20:24:44 (00:16:47)	AF	He's about to pass out.
	TL	Yeah I think he's passing out. [radio]
	DW	He's fuckin' stopping his breathing right now bro. You think that's cool?
	GF	[soft groan] [radio – continues for several seconds]

Lane's failure to take reasonable measures was willful: GE 7 & 7A at 20:24:48.

	GH	[UI] does he have a pulse?
	DW	No bro look at him! He's not responsive right now, bro!
	GH	Check, check for a pulse please. Check for a pulse.
	DW	Bro are you serious? You gonna just [UI] there with that on his neck, bro?
20:25:50 (00:17:54)	TL	You got one?
20:25:51 (00:17:55)	GH	Let me see a pulse.
	DW	Is he breathing right now?
	TT	[UI] having this conversation.
	AF	Handcuffed!
	DW	Check his pulse! Check his pulse! Check his pulse, Thao. [radio] Thao, check his pulse.
20:25:59 (00:18:03)	JK	I can't find one. [radio – several seconds]



Lane's failure to take reasonable measures was willful: GE 7 & 7A at 20:25:50-59  
(Kueng can't find a pulse)



**ELECTRONIC VERSION OF THE MPD  
POLICY & PROCEDURE MANUAL**

I understand that I am accountable for knowing and abiding by all policies and procedures contained within the Minneapolis Police Department Policy and Procedure Manual and that I will be held accountable for abiding by the policies and procedures contained therein.

I have read the instructions and understand how to access the online electronic version of the Minneapolis Police Department Policy and Procedure Manual.

*\*\*If you do not understand how to access the online manual, see your immediate supervisor for training until you are able to successfully access the online manual.\*\**

NAME: Thomas Kiernan Lane  
(Please print)

SIGNED: 

BADGE/EMPLOYEE #: Badge # 3951 Employee ID # 003951

DATE: 2-7-19

**SIGNATURE AND RETURN OF THIS RECEIPT IS MANDATORY**

Lane's failure to take reasonable measures was willful: GE 71



## II. POLICY

- A. MPD employees shall request emergency medical services (EMS) as soon as practical if any employee has come into contact with an individual having an acute medical crisis and any delay in treatment could potentially aggravate the severity of the medical crisis, or as otherwise required by policy.
  - 1. While awaiting EMS, MPD employees assisting an individual having an acute medical crisis shall provide any necessary first aid consistent with MPD training, as soon as practical.

Lane's failure to take reasonable measures was willful: GE 48

## **5-306 USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS (08/17/07)**

Any sworn MPD employee who uses force shall comply with the following requirements:

**Medical Assistance:** As soon as reasonably practical, determine if anyone was injured and render medical aid consistent with training and request Emergency Medical Service (EMS) if necessary.

Lane's failure to take reasonable measures was willful: GE 46

**Side Recovery Position:** Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing.

Lane's failure to take reasonable measures was willful: GE 46 at 5-316 III (definitions)

## Training Records

Training History for: Thomas Lane

Employee Id: 003951

Total Continued Education Credits: 22.0

Total Instructor Credits: 0.0

Add (Add training that are not associated with an existing Event/TimeSlot)

		Course	Start Date	End Date	Grade	Continued Education Credits	Instructor Credits	Make	Model	Serial #	Comment
Edit	Delete	2020 Annual In-Service Training Program, Phase I, January - April, Multiple Dates	2/11/2020	2/11/2020	Not Applicable	7.00					
Edit	Delete	2020 Annual In-Service Training Program, Phase I, January - April, Multiple Dates	2/10/2020	2/10/2020	Not Applicable	7.00					
Edit	Delete	2020 Annual Semi-Automatic Handgun and Gas Mask Fit Testing, January - February, Multiple dates	1/7/2020	1/7/2020	PASS	1.00					
Edit	Delete	2019 X-CEL Energy Active Shooter Exercise, December 14, 2019	12/14/2019	12/14/2019	Not Applicable	7.00					
Edit	Delete	2019 Procedural Justice III for Cadets (Dec 12)	12/12/2019	12/12/2019	Not Applicable	0.00					***Academy Course
Edit	Delete	2019 SFST Training Program for Cadets (Nov 04-05)	11/4/2019	11/5/2019	Not Applicable	0.00					***Academy Course
Edit	Delete	2019 Introduction to PIMS for Cadets (Aug 19-22)	8/19/2019	8/22/2019	Not Applicable	0.00					**Academy Course


<http://appwfdprod/wfd/EventManagement/EmployeeTrainingHistory.aspx?header=false&...> 5/26/2020

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00006912

Lane's failure to take reasonable measures was willful: GE 72



174

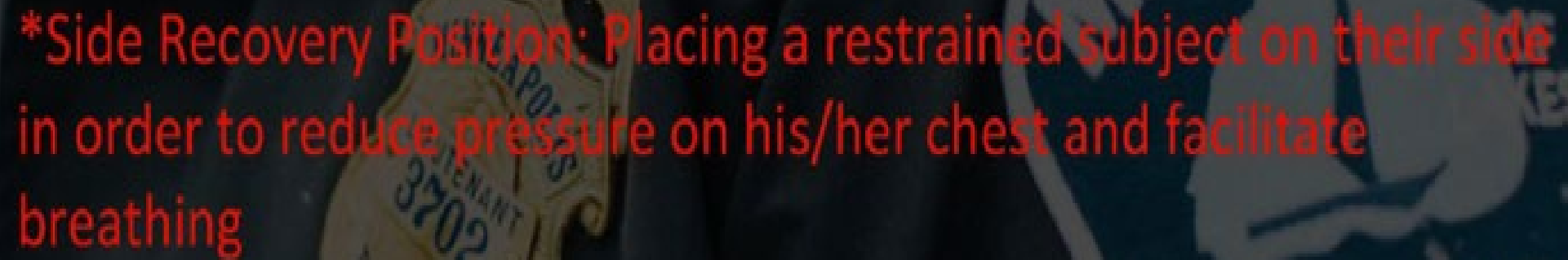
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Lane's failure to take reasonable measures was willful: GE 85 at 1892

5. While functioning at the scene of a patient in cardiac arrest, you do not initiate cardiopulmonary resuscitation (CPR) because the patient is elderly and you think that he is probably dead. Paramedics arrive and determine that the patient has only been in cardiac arrest for 6 minutes. Which of the following statements regarding this scenario is correct?

- 2
- A. As an EMR, you did not have a legal duty to begin CPR.
  - B. The patient would most likely not be able to be resuscitated.
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Lane's failure to take reasonable measures was willful: GE 85 at 1889



\*Side Recovery Position: Placing a restrained subject on their side in order to reduce pressure on his/her chest and facilitate breathing

Lane's failure to take reasonable measures was willful: GE 73 at 1231

**Test of Proportionality**

• Neck Restraints (conscious or unconscious applications) shall only be used against subjects when lower force options either:

- Have failed,
- Will likely fail, or
- Are too dangerous to attempt

• Neck Restraints shall not be used against persons who are only displaying Passive Resistance as defined by policy. **Test of Proportionality**

- If unconsciousness occurred, request EMS immediately by radio
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- 

Lane's failure to take reasonable measures was willful: GE 74



**Prone Position:** For purposes of this policy, the term Prone Position means to lay a restrained subject face down on their chest.

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Lane's failure to take reasonable measures was willful: GE 74

## Ok they are in handcuffs now what.

- Sudden cardiac arrest typically occurs immediately following a violent struggle
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US001

T\_00003747

Lane's failure to take reasonable measures was willful: GE 87

bandage. **E.** Trauma bandage. **F.** Hemostatic agent.

### Recovery Position

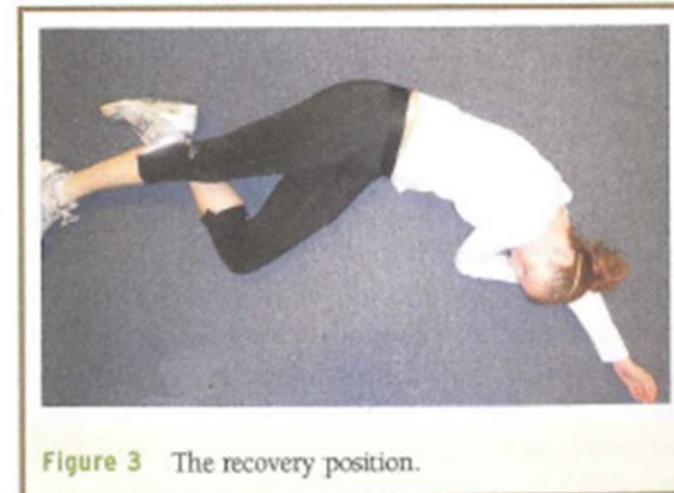
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### MEDICAL LOGISTICAL SUPPORT

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**Figure 3** The recovery position.

Lane's failure to take reasonable measures was willful: GE 83 at 5

## Ethical and Legal Considerations

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Lane's failure to take reasonable measures was willful: GE 83 at 40

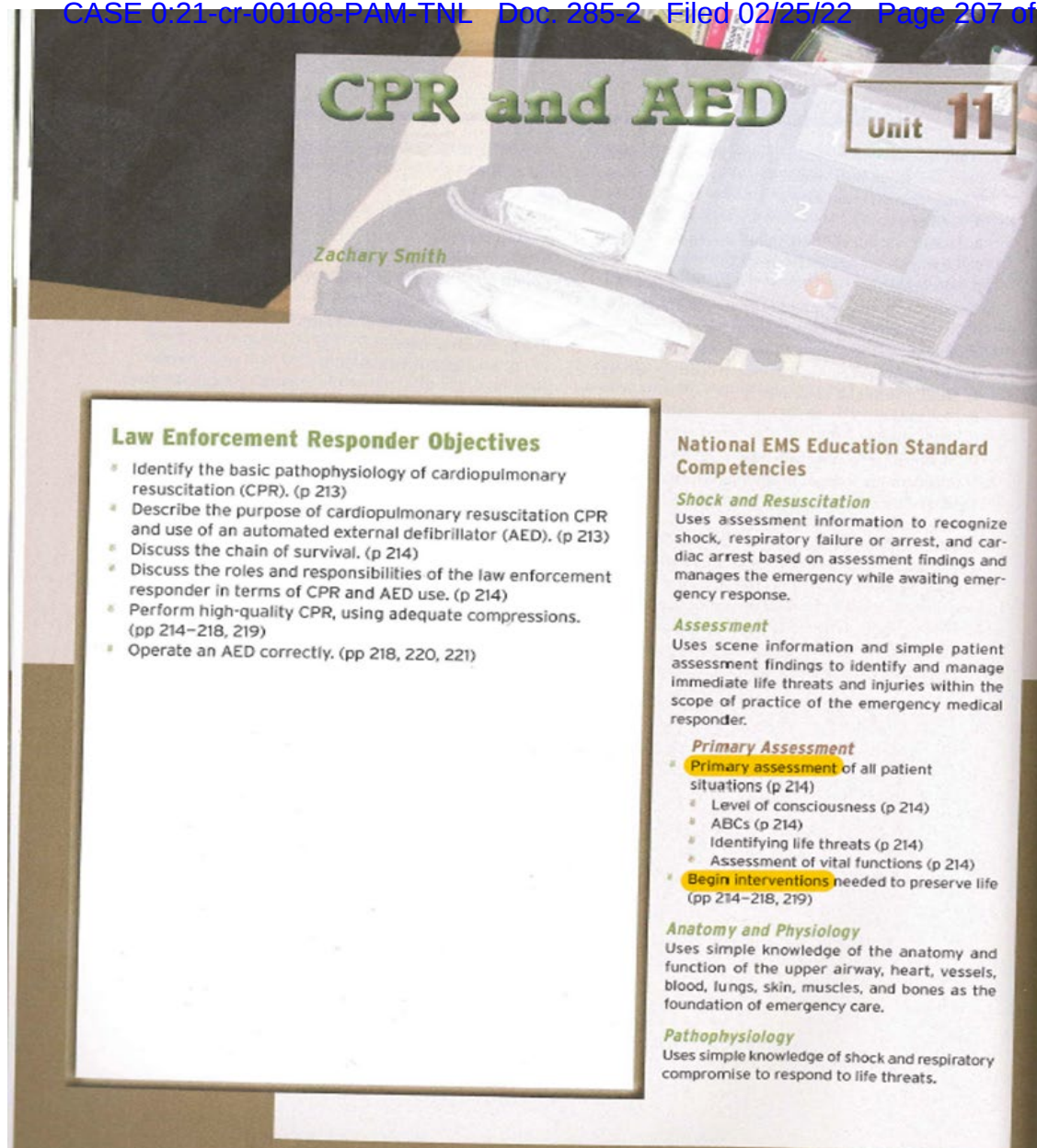


## DUTY TO ACT

---


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Lane's failure to take reasonable measures was willful: GE 83 at 41



Lane's failure to take reasonable measures was willful: GE 83



## 1.11 Untitled Slide

How can we avoid Positional Asphyxia?

4. Once restraints are applied, position the subject in a position that doesn't restrict breathing.

This should be done right away.

The best position will be either lying on their side in a "recovery" position, or up in a seated position.



Continue


### Notes:

National Institute of Justice Report "Special Panel Review of Excited Delirium". December 2003

Lane's failure to take reasonable measures was willful: GE 96

***1.18 On the next two slides, you will be given several statements regarding positional asphyxia and excited delirium. Please choose all of the statements that are correct.***

*(Multiple Response, 10 points, 1 attempt permitted)*

 Knowledge check. Slide 1 of 2.

On the next two slides, you will be given several statements regarding positional asphyxia and excited delirium. Please choose all of the statements that are correct.

- ☐ A person's body weight has no bearing on whether it is harder for them to breathe while in a prone position.
- ☒ Once a subject is restrained, he should quickly be switched from a prone position to a position that allows him/her to breathe more freely.
- ☐ When you are trying to restrain a person, if they suddenly begin fighting even harder it's only because they want to hurt you.
- ☐ You have a really good chance of defending against a wrongful death lawsuit because scientific evidence is clearly on your side.
- ☐ If the subject says "I can't breathe", you should just ignore him/her because he/she couldn't talk if they couldn't breathe properly.

Lane's failure to take reasonable measures was willful: GE 96



### 3.5 Untitled Slide

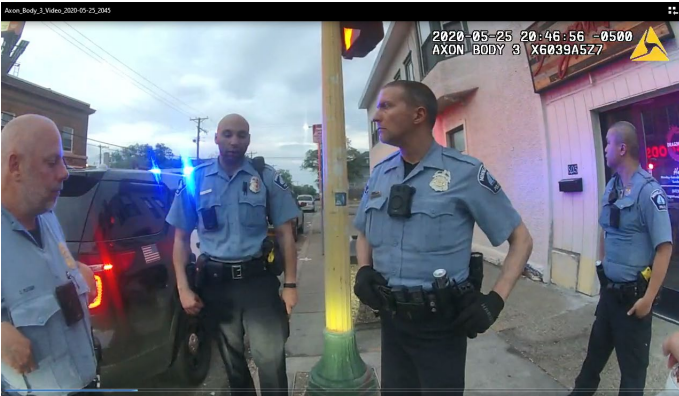
The sudden lack of resistance may come as a relief to staff who assume the subject has succumbed to the restraint, however, that relief will turn into dismay if staff find out that the person has stopped responding.

It is critical that when a subject all of a sudden becomes quiet and still that staff check for responsiveness and vital signs.

The transition from restraint to medical assistance must be quick. Staff should provide first aid and request medical assistance right away.



Lane's failure to take reasonable measures was willful: GE 96



## 5-101.01 TRUTHFULNESS (01/26/05) (11/15/13)

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BUSINESS (12/14/07)





MINNEAPOLIS POLICE DEPARTMENT  
OPERATIONS SECTION

NUMBER:

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18 JUNE 2018

## 5-101.01 TRUTHFULNESS (01/26/05) (11/15/13)

The integrity of police service is based on truthfulness. Officers shall not willfully or knowingly make an untruthful statement, verbally or written, **or knowingly omit pertinent information** pertaining to his/her official duty as a Minneapolis Police Officer.

The conduct of police officers is governed by the MPD Policy and Procedure Manual and applicable State and Federal law. All employees of the Minneapolis Police Department are required to maintain a working knowledge of and to obey the code of conduct, civil service rules.

MPD employees shall not willfully or knowingly make an untruthful statement **or knowingly omit pertinent information** in the presence of **any supervisor**, intended for the information of any supervisor, or before any court or hearing. Officers shall not make any false statements to justify a criminal or traffic charge or seek to unlawfully influence the outcome of any investigation. (12/14/07)

omit pertinent information in the presence of any supervisor, intended for the information of any supervisor, or before any court or hearing. Officers shall not make any false statements to justify a criminal or traffic charge or seek to unlawfully influence the outcome of any investigation.

These requirements apply to **any report, whether verbal or written**, concerning official MPD business including, but not limited to, written reports, transmissions to MECC and officers via radio, telephone, pager, e-mail or MDC.

BUSINESS (12/14/07)

GOVERNMENT  
EXHIBIT

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21-cr-108 (PAM/TNL)